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*Annex 3*

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*Letter from Secretary Tillerson to Acting Secretary Duke*

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RELEASE IN FULL



THE SECRETARY OF STATE  
WASHINGTON

October 31, 2017

The Honorable  
Elaine C. Duke  
Acting Secretary of the Department of Homeland Security  
Washington, DC 20528

Dear Acting Secretary Duke:

The State Department has assessed that El Salvador, Haiti, Honduras, and Nicaragua no longer meet the conditions required for continued designation for Temporary Protected Status (TPS). The disruption in living conditions in El Salvador, Honduras, and Nicaragua attributable to the environmental disasters that served as the basis for their TPS designations has decreased in severity to a degree that it may no longer be considered "substantial" within the meaning of the TPS statute. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Attached are country conditions reports that provide the Department's assessment of conditions in each country as they pertain to their respective TPS designations.

Given the number of impacted beneficiaries, and to minimize any negative implications that termination would have on our bilateral relations with these countries, I recommend that should the Department of Homeland Security (DHS) decide to terminate TPS for these countries, that you do so with delayed effective dates of 18 months. An 18-month wind down period would provide adequate time for long-term beneficiaries to arrange for their departure and for their home countries to prepare for their reception and reintegration.

I do not make these recommendations lightly. As you consider your decision, I am sure you are well aware of the significant humanitarian, foreign policy, and political interests at play. First and foremost, termination of TPS would likely leave hundreds of thousands of TPS recipients - many of whom have lived and worked in the United States for more than 15 years and have U.S. citizen children - out of legal status. For those that depart, they will return to countries with limited economic opportunities for their reintegration. In the case of El Salvador and Honduras, both countries continue to have some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services will make it difficult for their respective governments to ensure the protection of returning citizens - no less the U.S. citizen children who may accompany their parents.

Termination of TPS will also likely generate a backlash from the governments themselves, particularly the Honduran and Salvadoran governments, who have agreed to engage with the United States in support of the U.S. strategy in Central America. Central American leaders are likely to assert that the resources required for a large-scale re-integration of TPS beneficiaries and their dependents will undermine the Central America Strategy and Central America's complementary Alliance for Prosperity, both of which seek to generate prosperity for the region's citizens and reduce irregular migration to the United States. They may take retaliatory actions counter to our long-standing national security and economic interests like withdrawing their counternarcotics and anti-gang cooperation with the United States, reducing

their willingness to accept the return of their deported citizens; or refraining from efforts to control illegal migration.

However, the fact remains that the conditions in these countries do not – in the State Department’s judgment – meet the legal requirements necessary for extension. Should DHS decide to terminate the programs, I hope our Departments can work together in a thoughtful, coordinated manner to develop a plan to work with the four governments, TPS beneficiaries themselves, Congress, NGOs, and other stakeholders to mitigate any negative impact on U.S. national security and foreign policy priorities. As indicated, an 18-month wind down period will be critical to our efforts.

I thank you in advance for including the Department of State’s Bureaus of Western Hemisphere Affairs (WHA) and Population, Refugees, and Migration, as well as our public affairs team, in your Department’s planning for the public announcement of any TPS decisions, including to foreign audiences. Additionally, I request that you provide WHA with no less than 48-hours lead time prior to the public announcement so that it can notify counterpart governments, on an embargoed basis, of the decision. I also recommend DHS delay a public announcement for Honduras until November 27, to prevent TPS issues from unduly influencing the November 26 presidential election.

Sincerely,

  
Rex W. Tillerson

Enclosures:

As stated.

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***Letter from Secretary Tillerson to Acting Secretary Duke:  
Recommendation Regarding Temporary Protected Status  
(TPS) for Haiti***

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**RELEASE IN FULL****SENSITIVE BUT UNCLASSIFIED****DEPARTMENT OF STATE RECOMMENDATION REGARDING  
TEMPORARY PROTECTED STATUS (TPS) FOR HAITI - 2017****I. Statutory Basis for Designation**

**Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?**

**(SBU) Yes, the conditions have ceased to exist. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Former Secretary of Homeland Security Janet Napolitano originally designated Haiti for TPS effective January 21, 2010, on the basis of extraordinary and temporary conditions in the wake of Haiti's 2010 earthquake. Since 2010, a 2011 re-designation and four subsequent extensions of TPS designation for Haiti have been made by DHS Secretaries. The most recent extension, effective from July 23, 2017 - January 22, 2018, cited not only temporary and extraordinary conditions in the wake of the 2010 earthquake, but subsequent conditions, including: 2016's Hurricane Matthew, April 2017 heavy rains and landslides, security vulnerabilities that some Haitians who reside in Internally Displaced Persons (IDP) areas experience, and health vulnerabilities due to a weak public health system, which has been strained by a cholera epidemic. The extension also noted Haiti's serious economic and security challenges (82 FR 23830).**

**(SBU) Country conditions have improved since the January 2010 earthquake. The IDP population has decreased 97 percent from its peak in 2010. A legitimized government is in place after two years of electoral impasse. As of October 15, 2017, all UN military personnel have been withdrawn from Haiti; to be replaced by a police only successor mission focused on strengthening rule of law and promoting human rights.**

**(SBU) Specific lingering effects of the earthquake remain in the areas of infrastructure, health, sanitation services, and emergency response capacity. Although significant steps have been taken to improve the stability and the quality of life for Haitian citizens, Haiti continues to lack the capacity to ensure that the large population TPS beneficiaries currently residing in the United States can return in safety. However, Haiti maintains the ability safely to receive traditional levels of returned Haitian nationals, and is currently doing so.**

**(SBU) Based on these facts, we assess that the extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety.**

**A. Armed Conflict**

**1. Is the foreign state still involved in an ongoing, internal armed conflict?**

**(U) No.**

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- a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) still pose a serious threat to their personal safety?

(U) N/A.

***B. Environmental Disaster***

1. Does there continue to be a substantial, but temporary, disruption of living conditions in the area affected by the environmental disaster?

(U) N/A.

2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(U) N/A.

3. Does the foreign state continue to support the TPS designation?

(U) N/A.

***C. Extraordinary and Temporary Conditions***

1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

(SBU) No. In the wake of the 2010 earthquake, Haiti continues to be affected by lingering earthquake damage. The earthquake destroyed virtually all government offices and ministries in downtown Port-au-Prince, leaving most in long-term temporary facilities spread throughout the city. However, country conditions and the Government of Haiti's capacity have improved sufficiently to allow for the safe return of a moderate flow of Haitian nationals.

(SBU) Since the earthquake, the IDP population had decreased 97 percent (from two million to 37,000) from its estimated peak in 2010, to the point where today, just 27 of the original 1,555 IDP sites remain open. Despite these gains, gender-based violence in the IDP areas remains a serious concern, and personal security is a serious and pervasive problem. An estimated 41,000 Haitians who have been made homeless as a result of various natural disasters since 2010, including Hurricane Matthew in 2016, affecting Haiti remain in IDP areas.

(SBU) With more than a half its total population living in extreme poverty, Hurricane Matthew demonstrated Haiti's weakened ability to cope, recover, and adapt to shocks from natural disasters. This fragility was exposed again most recently by Hurricane Irma, which temporarily displaced over 10,000 people into shelters and exacerbated an existing food security crisis on the northern coast.

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(SBU) With the withdrawal of the United Nations Stabilization Mission in Haiti's (MINUSTAH) military component underway, the Haitian National Police (HNP) will be called upon to shoulder increased responsibility for maintaining order throughout the country. However, the HNP remains highly concentrated in Port-au-Prince and has limited resources, challenging its ability to guarantee security throughout the country. The United States and our international partners continue to work to train and support the development and growth of the HNP, which has been increasingly perceived as professional and capable of providing security.

**2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(SBU) No. Permitting Haitians to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for six or seven years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

**II. Discretionary Factors**

**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) An abrupt termination of TPS for Haiti that does not provide a period for an orderly transition could jeopardize progress made in our bilateral relationship, particularly our robust partnership with Haiti on migration.

(SBU) **Setting a Negative Historical Precedent:** Approximately 58,706 Haitians received TPS benefits following the 7.0 magnitude earthquake in 2010. Since 1990 when the TPS statute was passed, approximately 22 countries have been designated under the statute. Only three countries have had their TPS designation terminated without a period of at least six months provided for orderly transition – those cases involved beneficiary populations of as few as 316, and as many as 4,018. The average duration of a TPS designation has been 8.5 years. By this measure, an immediate effective date for termination of Haiti's TPS designation would be a statistical outlier. Haiti has been designated for TPS for less than eight years, and its sudden termination with no delay in effective date to allow for orderly transition period would affect 14 times more people than the largest group of TPS beneficiaries whose status was terminated without an extended transition period (which last occurred in 1993).

(SBU) **A Cooperative Partnership:** Haiti is a committed and cooperative partner in stemming the irregular flow of migrants to the United States, accepting regular deportation flights, and preventing further illegal migration of Haitians upon their return. This cooperation was best exemplified through their support in managing the irregular flow of Haitian migrants arriving at the U.S. southwest border with Mexico in 2016. Despite political turmoil and economic uncertainty in Haiti, when more than 6,500 Haitians presented themselves at U.S. ports of entries (a 1,300 percent increase from 2015), the Haitian government agreed to receive non-criminal

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deportation flights for the first time since the 2010 earthquake. This proved to be a strong deterrent mechanism, bringing a near cessation of Haitians presenting themselves at the U.S. southwest border. To date, Haiti has accepted over 5,200 deportees.

(SBU) Haiti has also shown a commitment to adequately prepare in the event TPS is terminated. Since then-DHS Secretary Kelly's visit to Haiti on May 31, Haiti has made the following preparations:

- (SBU) **Establishment of a Working Group:** The Government of Haiti established a minister-level working group focused on efforts to mitigate factors that cause Haitians to migrate illegally. A sub-group was created in order to focus specifically on preparations for the possible DHS termination of TPS; understanding the need to ensure employment opportunities exist for TPS beneficiaries when they return to Haiti.
- (SBU) **Outreach to Diaspora Leaders:** Haiti's Ambassador in Washington has worked to raise awareness amongst influential diaspora leaders, so they can effectively share information with the Haitian community in the United States on how a policy change will affect them.
- (SBU) **Providing Legal Assistance:** The Haitian Mission in the United States established a hotline to provide legal assistance by way of immigration attorneys.

(SBU) **Implications of a Termination:** While the Haitian government has exemplified its commitment to remain a cooperative partner of the United States, an abrupt DHS termination of TPS benefits for Haitian beneficiaries would jeopardize this progress. It would also threaten the strides the Government of Haiti has made towards political stability. After two years of electoral impasse, President Jovenel Moise and his government have been legitimized and are able to focus on developing a more secure, stable, and self-sufficient Haiti. It is in our interest to remain committed to the country's long-term security, democratic development, and economic growth, as well as to recognize when adequate conditions exist to warrant DHS termination of TPS.

(SBU) An immediate DHS termination of benefits at this juncture, when Haiti is focused on developing opportunities that allow Haitians to stay and help build their country, would have implications not only for Haiti's stability, but for the region. Haitians who are involuntarily returned to a country that is not yet able to handle the influx of returns would further incentivize illegal migration, to the United States and other destinations. This would strain the already limited resources of our North American, Central American, and Caribbean partners. To this end, such an irregular flow of Haitian migrants, similar to what was seen in 2016, could threaten the progress made on the U.S. strategy in Central America, and the efforts we have made to further secure our borders. It is therefore in the national security interests of the United States to ensure an orderly transition of Haitian TPS beneficiaries.

### III. Recommendation

(SBU) The extraordinary and temporary conditions that served as the basis for the 2010 designation and 2011 re-designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. However, lingering issues from the 2010 earthquake, the aftermath of Hurricane Matthew in 2016, the heavy rains and landslides in 2017, Hurricane

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**Irma in September 2017, and the additional effects of the cholera epidemic continue to affect Haiti. It is in the national interest of the United States to ensure that Haiti's inability to absorb a large number of TPS beneficiaries does not jeopardize the progress Haiti has made in receiving criminal and noncriminal deportees from the United States. Based on these factors, the Department recommends that the Acting Secretary of Homeland Security designate an effective date to provide TPS benefits for an additional 36 months beyond the end of the current designation to provide the Haitian government with adequate time to prepare for the safe reintegration of approximately 58,706 Haitians.**

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***Letter from Secretary Tillerson to Acting Secretary Duke:  
Recommendation Regarding Temporary Protected Status  
(TPS) for Honduras***

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SENSITIVE BUT UNCLASSIFIEDRELEASE IN FULL**(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING  
TEMPORARY PROTECTED STATUS (TPS) FOR HONDURAS – 2017****I. Statutory Basis for Designation**

*Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?*

(SBU) Yes, the conditions under which Honduras was designated for TPS have ceased to exist. Attorney General Janet Reno originally designated Honduras for TPS on January 5, 1999, on the basis of environmental disaster. The original designation reads, "Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals" (64 FR 524). Subsequent Attorneys General and Secretaries of the Department of Homeland Security extended TPS for Honduras 13 times in 18-month increments; the most recent extension was effective July 6, 2016. The 2016 extension cited not only Hurricane Mitch, but also subsequent environmental disasters, including: (1) severe rains, landslides, and flooding, and heavy winds associated with Tropical Storm Hanna toward the end of 2014; (2) a dramatic increase in mosquito-borne diseases in 2014 and 2015; and (3) a prolonged regional drought and coffee rust epidemic (81 FR 30331).

(SBU) Honduras remains vulnerable to severe weather events, but the disruption of living conditions attributable to Mitch in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. Since the storm, much of the destroyed infrastructure and housing has been rebuilt. The social and economic conditions affected by the storm have stabilized and people are able to conduct their daily activities without impediments related to the damage of Mitch.

(SBU) The conditions in Honduras that caused it to be designated for TPS on the basis of the environmental disaster – i.e., the substantial disruption of living conditions caused by Hurricane Mitch, which rendered Honduras temporarily unable to adequately handle the return of its nationals and habitual residents, no longer exist.

**A. Armed conflict****1. Is the foreign state currently involved in an ongoing, internal, armed conflict?**

(U) No.

**a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?**

(U) N/A.

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**B. Environmental Disaster**

1. **Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?**

(U) Yes. Honduras is vulnerable to extreme weather events. In 1998, Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Since Hurricane Mitch, Honduras has continued to experience other natural disasters.

- a. **If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?**

(SBU) No. Honduras has stabilized from previous disruptions. Much of the infrastructure and housing destroyed by Hurricane Mitch has been rebuilt. While Honduras has been experiencing a prolonged drought, the Department assesses that the disruption of living conditions attributable to Hurricane Mitch should no longer be regarded as "substantial." The government has demonstrated its ability to rebuild its infrastructure and housing and provide other basic services to its citizens.

2. **Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?**

(SBU) Yes. Honduras continues to suffer from the same serious security and economic challenges that have led many Honduran nationals with TPS to remain in the United States, and have spurred even more Hondurans to migrate to the U.S. since TPS was granted. The Government of Honduras received approximately 22,000 deportees from the United States and more than 45,000 deportees from Mexico in 2016. While the Honduran government's infrastructure for receiving returned migrants has improved over the last three years, it is largely due to investments by the U.S. government. If TPS is not renewed, Honduras will require significant additional resources and coordination to adequately receive the immediate return of an additional 86,163 former TPS beneficiaries and potentially their family members.

(SBU) The immediate return of 86,163 Hondurans who currently hold TPS could overwhelm the government's ability to properly reintegrate them and make it more likely they would attempt to return to the United States illegally. Recognizing most Hondurans who migrate do so for economic reasons, adding tens of thousands of returnees to an economy that is not prepared to integrate them will only exacerbate the principal driver of illegal immigration. This would also impose severe burdens on a cooperative but under-resourced Honduran government and would be counterproductive to U.S. interests.

(SBU) If the Government of Honduras were expected to immediately receive and reintegrate 86,163 deportees and potentially their family members, it would likely cause a negative public reaction and strain the bilateral relationship. Many of the deportees would be accompanied by their U.S.-born children, many of whom would be vulnerable to recruitment by gangs. The Honduran government would be forced to dedicate significant resources to receiving its nationals, which would undermine the medium to longer-term U.S. economic, security, and

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governance goals in Honduras, and would likely lead to an increase in illegal immigration from Honduras to the United States.

**3. Does the foreign state continue to support the TPS designation?**

(SBU) Yes. Honduran President Juan Orlando Hernandez met with Vice President Pence on June 15, 2017, on the margins of the Conference on Prosperity and Security in Central America in Miami and requested an extension of TPS. On July 18, 2017, Honduran Minister of Foreign Affairs Maria Dolores Agüero Lara submitted an official request for extension.

**C. *Extraordinary and Temporary Conditions***

- 1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

- 2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

**II. Discretionary Factors**

**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) Honduras is a consistent partner of the United States. It has shown itself willing to proactively address concerns related to illegal immigration by investing time, money, and political capital in trying to keep its citizens in Honduras. It is also a receptive partner for the U.S. government and other governments in the region seeking to deport Honduran nationals. Honduran authorities have also extradited numerous fugitives, including Honduran nationals to the United States since 2014, including a number of major drug traffickers.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government is providing approximately \$2 billion in FY 2015 to FY 2017 assistance to secure our borders, protect U.S. citizens, and increase opportunities for U.S. and other businesses. U.S. engagement and programs aim to dismantle transnational criminal organizations, combat drug trafficking, halt illegal immigration, and promote sustainable economic growth by addressing the underlying causes of insecurity, impunity, and lack of economic opportunity. These efforts, combined with Honduras' own efforts under the Alliance for Prosperity, protect U.S. national security and create conditions to incentivize Honduran citizens to remain and prosper in their home country.

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(SBU) Despite recent improvements in Honduras' security situation, insecurity and widespread unemployment and low wages continue to be among the main factors cited by returned migrants for their decision to migrate to the United States.

(SBU) In rural areas that are largely dependent on subsistence agriculture, one out of five Hondurans continues to live in extreme poverty (on less than USD \$1.90 per day according to the World Bank). These rural areas, where a disproportionately large number of Hondurans in the United States, including TPS beneficiaries, originate, have been particularly affected by the drought, which has been persisting since 2014, and many families have resorted to reducing their caloric intake. According to a July 2016 United Nations World Food Programme report, one in four people in Honduras are struggling to feed themselves.

(SBU) Although Honduras was able to reduce its national homicide rate from 86 per 100,000 in 2011 to 58 per 100,000 in 2016, it continues to have one of the highest murder rates in the world for a country not at war. This was not always the case, and continues to represent extraordinary circumstances created by a combination of gang activity, drug trafficking, and poor economic conditions. To the extent efforts the government and the international community are helping to bring down this rate, it is a temporary condition that can change with continued implementation of improved security and economic policies.

(SBU) Impunity for all categories of crime, including serious offenses like murder and kidnapping, is high. Yet the current administration, with U.S. assistance, has taken steps to address these problems. Honduras has been a collaborative extradition partner, leading many Honduran criminals to self-surrender in lieu of probable arrest and extradition. Nearly 30 such indicted criminals now face justice in the United States for corruption, drug trafficking, and money laundering. The Honduran government is implementing a roadmap to overhaul the Honduran National Police, which has included replacing its troubled former investigative division with a new, better trained and equipped force that is currently up and running. It is also working to hire 15,000 new officers by 2022, roughly 3,200 per year above attrition, almost doubling the size of the force.

(SBU) Permitting Hondurans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 18 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

### III. Recommendation

(SBU) Since the grounds for Honduras' January 5, 1999 designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for Honduras, that the Acting Secretary designate an effective date to provide TPS benefits for 36 months beyond the end of the current designation to allow for an orderly transition. Providing the Honduran government more time to improve security and economic conditions and repatriation systems would increase the likelihood Hondurans would return voluntarily and reduce the likelihood deported migrants would seek to return to the United States illegally. It would also

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allow the U.S. government the time to mitigate any possible negative foreign policy impacts stemming from the decision to ensure sustained effective bilateral cooperation on a wide range of issues, such as combatting transnational criminal organizations and addressing the underlying causes of illegal immigration. Moreover, since 1999, Honduran nationals have had TPS, and during that time, many started families, opened businesses, and bought houses and properties. A delayed effective date would provide them and their family members with time to organize their departure from the United States.

(SBU) In addition, the Department recommends that the public announcement of a new effective date be delayed until November 27 so as not to interfere in the domestic politics of Honduras' November 26 presidential election. In order to meet a statutory requirement, the Department of State recommends communication of a DHS decision to the head of government only on November 3.

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*Letter from Secretary Tillerson to Acting Secretary Duke:  
Recommendation Regarding Temporary Protected Status  
(TPS) for El Salvador*

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SENSITIVE BUT UNCLASSIFIEDRELEASE IN FULL**(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING  
TEMPORARY PROTECTED STATUS (TPS) FOR EL SALVADOR - 2017****I. Statutory Basis for Designation**

**Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?**

**(SBU) Yes, the conditions under which El Salvador was designated in 2001 have ceased to exist. Attorney General John Ashcroft designated El Salvador for TPS on March 9, 2001, on the basis of environmental disaster stemming from a devastating earthquake on January 13, 2001, followed by two more earthquakes on February 13 and 17, 2001. Subsequent Attorneys General and Secretaries of Homeland Security have extended the TPS designation for El Salvador eleven times; the most recent extension was effective September 10, 2016, and expires on March 9, 2018. This extension cited not only the 2001 earthquakes, but subsequent natural disasters and environmental challenges, including: (1) hurricanes and tropical storms; (2) heavy rains and flooding; (2) volcanic and seismic activity; (3) an ongoing coffee rust epidemic; (4) a prolonged regional drought that was impacting food security; and (5) an outbreak of mosquito-borne illnesses, all of which have slowed recovery from the 2001 earthquakes. It also noted El Salvador's serious economic and security challenges (81 FR 44645).**

**(SBU) While the 2001 earthquakes and subsequent environmental disasters have slowed economic growth, the disruption of living conditions attributable to the earthquakes in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. The social and economic conditions affected by the earthquakes have stabilized and people are able to conduct their daily activities without impediments related to damage from the earthquakes. Many of the homes and infrastructure destroyed by the earthquakes have been restored, and economic activity has resumed. However, because El Salvador remains unable, due to ongoing security and economic conditions, to handle adequately the precipitous return of its nationals – should the Acting DHS Secretary decide to terminate TPS for El Salvador, the Department recommends that the effective date of the termination should be delayed 36 months to allow El Salvador much needed time to reabsorb its nationals, and permit the TPS holders time to close out their affairs in the United States.**

**A. Armed conflict**

**i. Is the foreign state currently involved in an ongoing, internal, armed conflict?**

**(U) No.**

**a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?**

**(U) N/A.**

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**B. Environmental Disaster**

1. **Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?**

(SBU) Yes, but the conditions have ceased to exist. El Salvador experienced a series of earthquakes and aftershocks in early 2001, followed by additional environmental disasters since 2001, including Tropical Storm Stan in 2005, a series of earthquakes in 2006, and storms in 2009 (Ida) and 2010 (Agatha). Most recently, El Salvador declared a drought emergency in 2016, after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters.

- a. **If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?**

(SBU) No, the disruption of living conditions attributable to the 2001 earthquakes should no longer be regarded as "substantial." Many basic services that were impaired following the 2001 earthquake have been restored.

(SBU) Despite progress in recovery from the 2001 earthquakes, El Salvador continues to experience frequent and significant natural disasters and environmental challenges the effects of which should not be discounted, and which affect its ability to adequately handle a precipitous return of its nationals residing in the United States. Agriculture accounts for 10 percent of GDP but 20 percent of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The 2014-2016 drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector's employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

(SBU) Problems of slow growth and lack of employment, in part due to the series of natural disasters, continue to plague the country. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30).

2. **Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?**

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(SBU) Yes, El Salvador continues to suffer from serious security and economic challenges and is unable to adequately handle the immediate return of a large number of TPS beneficiaries – a total of 263,282 Salvadorans – and potentially their family members, including a significant number of children, most of whom are dual U.S.-Salvadoran nationals. The Salvadoran foreign minister estimates at least 200,000 U.S.-born, dual-national children would be impacted by the end of TPS, although the numbers could be much higher.

(SBU) The Salvadoran government works closely with DHS to facilitate the deportation of Salvadorans from the United States, accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has facilitated the return of 52,000 deportees in 2016, 21,000 from the United States and 31,000 from Mexico. Reports indicate, however, that many of the returnees try to return to the United States illegally shortly after their deportation back to El Salvador. This is because the government cannot provide basic services for these returned nationals and the economy cannot create sufficient jobs to employ them. High levels of insecurity also continue to hinder El Salvador's ability to adequately handle a precipitous return of TPS beneficiaries. Homicide rates in El Salvador in 2016 were the highest in the world outside a war zone, at 81 homicides per 100,000 inhabitants in 2016, and growth was the lowest in Central America, creating a climate of fear and hopelessness that continues to drive migrants north. Parents in many communities in El Salvador fear boys may be targeted for gang recruitment and girls may be forced into sexual relations with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61 percent have no children left in Central America. These returnees would need to compete with locals to find scarce jobs in order to support themselves and their families legally. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their children, into the gangs or other illicit employment. In addition, the immediate return of a population of TPS Salvadoran nationals of the magnitude currently residing in the United States – which El Salvador is currently unable to adequately absorb or employ – could intensify the push factors that drive illegal migration.

(SBU) High levels of insecurity as well as ongoing effects from the series of natural disasters El Salvador has experienced also hamper economic growth and prosperity. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30). Extortion of businesses drives up costs and discourages investment. Business leaders assess that extortion payments have tripled since 2013, with small businesses paying approximately 10-20 percent of their income to organized crime, while larger businesses face monthly payments in the tens of thousands of dollars. The Central

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Bank estimates that extortion fees paid by businesses could amount to approximately \$756 million – or almost 3 percent of GDP – though other estimates are lower.

**3. Does the foreign state continue to support the TPS designation?**

(SBU) Yes. On June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

**C. Extraordinary and Temporary Conditions**

**I. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

**2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

**II. Discretionary Factors**

**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) El Salvador is a consistent partner of the United States in working to combat illegal immigration and transnational criminal organizations. The Government of El Salvador has shown itself willing to proactively address concerns related to illegal immigration, investing time, money, and political capital in trying to keep its citizens in El Salvador. El Salvador is also a receptive partner for the U.S. government and other governments in the region seeking to deport Salvadoran nationals. If, however, the Government of El Salvador were expected to immediately absorb 263,282 of its citizens, its institutional capacity and willingness to continue to be a receptive partner would diminish. In addition, without a delayed effective date, the Salvadoran government would be forced to dedicate all available resources to receiving its nationals, undermining the medium- to longer-term U.S. goals in El Salvador, which could lead to an increase in illegal migration from El Salvador to the United States.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government continues efforts to build security, improve prosperity, and strengthen institutions. The Department of State and USAID are investing approximately \$2 billion in FY 2015 to FY 2017 assistance to advance our economic, security, and governance goals in Central America. These efforts, combined with El Salvador's own efforts under the Alliance for Prosperity, protect U.S. national security by

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combating transnational criminal organizations, including gangs, and creating conditions for Salvadoran citizens to remain and prosper in their home country.

(SBU) The Government of El Salvador is making a concerted effort to fight crime and restore its economy. The government is expanding a national security plan that significantly reduced homicides in the most crime-ridden municipalities and passed legislation that has helped cut off imprisoned gang members from their rank-and-file members. It is targeting gang financial networks and dismantling extortion rings. El Salvador has demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

(SBU) The Salvadoran government cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 9.0 metric tons of cocaine – more than four times the amount seized the previous year. El Salvador has been particularly active on maritime seizures of illegal narcotics, including via the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals to the United States has been another example of ongoing cooperation. More recently, the Government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the immediate movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The immediate deportation of TPS beneficiaries in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

(SBU) On the economy, the Salvadoran government intends to join a customs union with Guatemala by the end of 2017 to reduce the costs of trade and improve commerce, while it also works to improve the business climate for investment by reducing bureaucratic procedures. Through the Alliance for Prosperity, El Salvador is leading the effort to improve the situation on the ground to attract Salvadorans back to El Salvador in the future. In 2017, the Government of El Salvador passed legislation and kicked off programs through the Ministry of Foreign Affairs to assist Salvadorans deported from the United States, including through small loans and training to show them how to access public services. The U.S. Millennium Challenge Corporation invested \$490 million in 2007 to boost agriculture, build roads, provide clean water, and improve education. In 2014, MCC signed a second compact for \$367 million, including \$88 million in funding from the government of El Salvador, to improve the investment climate, employment, and transportation infrastructure.

(SBU) The broad U.S. support for improving security and economic opportunity in El Salvador is designed to address the underlying drivers of illegal migration and lay the groundwork for an eventual return of many Salvadorans from the United States. Under current conditions, however, immediate repatriation of the TPS beneficiaries and their families would likely endanger those U.S. foreign policy goals. Introducing an additional 263,282 working-age people and children

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vulnerable to recruitment by transnational criminal organizations (TCOs), such as MS-13, to a country rife with gangs and that cannot provide the 60,000 jobs required every year for its current population will undermine U.S.-Salvadoran efforts to combat TCOs. With no employment and few ties, options for those returning to El Salvador and those overwhelmed by the additional competition will likely drive increased illegal migration to the United States and the growth of MS-13 and similar gangs. A delayed effective date of 36 months will allow much-needed time for our work with the government of El Salvador to combat TCOs and create jobs to bear fruit. This will hopefully mean that the large number of returnees will have access to employment and services, making their re-entry smoother and increasing the likelihood that they will remain in El Salvador.

(SBU) Finally, Permitting El Salvadorans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 16 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

**III. Recommendation**

(SBU) Since the grounds for El Salvador's January 13, 2001, designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for El Salvador, that the Acting Secretary designate an effective date to provide TPS benefits for an additional 36 months beyond the end of the current designation for the purpose of orderly transition. Providing the government more time to improve conditions and repatriation systems is directly in the U.S. national interest, since it would reduce incentives for illegal immigration and encourage continued bilateral cooperation on other national security issues, including the fight against transnational criminal organizations. It would increase the likelihood of sustaining effective cooperation with the United States on a wide range of issues. Improved conditions in El Salvador would give Salvadorans residents there, especially young people, an incentive to continue to seek their fortunes in El Salvador, and would make it more likely that Salvadorans in the United States would return to El Salvador voluntarily. Moreover, since 2001, 263,282 Salvadoran nationals have received TPS, and during that time, many started families, opened businesses, and bought houses and properties in the United States. This period of transition would provide them and their family members with time to prepare for their departure from the United States.

(SBU) While the conditions in El Salvador that justified the designation of El Salvador for TPS on the basis of environmental disaster no longer exist, a sudden DHS termination of TPS for El Salvador without a delayed effective date would overwhelm the country's ability to absorb returnees.

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*Acting Memo for Secretary Tillerson from Acting Assistant  
Secretary Henshaw and Acting Assistant Secretary Palmieri*

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ORIGINAL MEMO

Submitted thru  
Everest.



201716812  
United States Department of State

Washington, D.C. 20520

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October 26, 2017

ACTION MEMO FOR THE SECRETARY

**RELEASE IN PART B6**

FROM: PRM – Simon Henshaw, Acting  
WHA – Francisco L. Palmieri, Acting

SUBJECT: (SBU) Recommendation Regarding Temporary Protected Status (TPS) for Honduras, Nicaragua, Haiti, and El Salvador

**Joint Recommendation:**

(SBU) That you approve our joint recommendation to notify DHS Acting Secretary Duke that Nicaragua no longer meets the conditions required for continued designation for TPS and request that, if DHS terminates Nicaragua's TPS status, it delay the effective date for 18 months. S/P concurs with this recommendation. Approve Disapprove by 10/27/17). *PRM*

**PRM Recommendation:**

(SBU) That you approve and sign a letter to Duke (Tab 3) recommending extension of TPS for El Salvador (18 months), Haiti (6 months), and Honduras (18 months). (Approve/Disapprove by 10/27/17).

**WHA & S/P Recommendations:**

(SBU) That you:

(1) El Salvador: Approve the provided letter to Duke (Tab 1) indicating El Salvador no longer meets the conditions required for continued designation for TPS and request that, if DHS should terminate its TPS status, that it delay the effective date for 36 months. Approve/Disapprove by 10/27/17). *PRM* *18 months PRM*

• S/P asks that you approve the provided letter to Duke (Tab 2). S/P agrees that El Salvador no longer meets the conditions required for continued designation for TPS, but believes that the letter to Duke should request a 24 rather than 36-month delay in the effective date. Although a 36-month wind down period is not precluded by the plain language of the statute, this period would be double the longest amount of time TPS status can be extended under the statute. It would put the wind down of the program directly in the middle of the 2020 election cycle. Moreover, two years should be enough time for TPS beneficiaries and their home countries to prepare for their departure, as it is very unlikely they will all return at once. Approve/Disapprove by 10/27/17). *PRM*

(2) Haiti: Approve the provided letter to Duke (Tab 1) indicating that Haiti no longer meets the conditions required for continued designation for TPS and request that, if DHS should terminate its TPS status, it delay the effective date for 36 months. Approve/Disapprove by 10/27/17). *PRM* *18 months*

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- S/P asks that you approve the provided letter to Duke (Tab 2). S/P agrees that Haiti no longer meets the conditions required for continued designation for TPS, but believes that the letter to Duke should request a 24 rather than 36-month delay in the effective date. Although a 36-month wind down period is not precluded by the plain language of the statute, this period would be double the longest amount of time TPS status can be extended under the statute. It would put the wind down of the program directly in the middle of the 2020 election cycle. Moreover, two years should be enough time for TPS beneficiaries and their home countries to prepare for their departure, as it is very unlikely they will all return at once. (Approve/Disapprove by 10/27/17)

*Read*

- (3) Honduras: Approve the provided letter to Duke (Tab 1) indicating Honduras no longer meets the conditions required for continued designation for TPS and request that, if DHS should terminate its TPS status, it delay the effective date for 36 months, and separately request that DHS delay any public notice or announcement of its Honduras decision until November 27 (one day after the Honduran presidential elections). S/P agrees with the WHA's request that DHS delay any public notice or announcement of its Honduras decision until November 27. (Approve/Disapprove by 10/27/17).

*IS also Read*

- S/P asks that you approve the provided letter to Duke (Tab 2). S/P agrees that Honduras no longer meets the conditions required for continued designation for TPS, but believes that the letter to Duke should request a 24 rather than 36-month delay in the effective date. Although a 36-month wind down period is not precluded by the plain language of the statute, this period would be double the longest amount of time TPS status can be extended under the statute. It would also put the wind down of the program directly in the middle of the 2020 election cycle. Moreover, two years should be enough time for TPS beneficiaries and their home countries to prepare for their departure, as it is very unlikely they will all return at once. (Approve/Disapprove by 10/27/17)

*Read*

**Background**

(SBU) TPS for Nicaragua and Honduras will expire January 5, 2018; for Haiti January 22, 2018; and for El Salvador March 9, 2018. The DHS Secretary must review and decide whether to extend or terminate TPS designations no later than 60 days before expiration, and intends to make a decision on El Salvador, Honduras, and Nicaragua by November 3, and on Haiti by November 22. DHS requested that the Department provide a report and recommendation on whether the conditions for each country's TPS designation continue to be met and whether further extension, potential re-designation, or termination is warranted. Based on your decision, the country reports will be edited accordingly and forwarded to DHS with the appropriate cover letter.

(SBU) Should Duke terminate TPS for these countries, as many as 413,500 beneficiaries, many of whom have lived and worked in the United States for more than 20 years, as well as their U.S. citizen children, many of whom have few if any ties to these countries, will return to countries with limited economic opportunities for their reintegration. Lacking prospects for employment, many will likely fail to depart the United States in the first instance or will re-migrate illegally following their return. In the case of El Salvador and Honduras, both countries continue to have

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some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services (e.g., education, social services) will make it difficult for the governments to protect and provide for their returning citizens – no less the U.S. citizen children who accompany their parents.

(SBU) WHA believes El Salvador, Haiti, Honduras, and Nicaragua no longer meet the conditions for continued TPS designation and that should DHS terminate TPS, it should be done with a delayed effective date of 18 months for Nicaragua and 36 months for El Salvador, Haiti, and Honduras to allow adequate time for beneficiaries to arrange their departure, for countries to prepare for reception and reintegration of their citizens, and to prevent a negative impact on the national security interests of the United States. According to WHA, in El Salvador, Honduras, and Nicaragua, the disruption in living conditions caused by natural disasters that led to their respective TPS designations should no longer be regarded as "substantial" within the meaning of the TPS statute. WHA further believes the extraordinary and temporary conditions underlying Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning safely.

(SBU) PRM agrees with WHA with respect to Nicaragua but recommends that TPS be extended by 18 months for El Salvador and Honduras and six months for Haiti. In El Salvador and Honduras, PRM believes there continues to be a substantial, but temporary, disruption of living conditions, worsened by a series of subsequent natural disasters and environmental challenges that have impaired recovery efforts from the original disasters that served as the basis for designation. Both of these countries remain unable, temporarily, to handle adequately the return of their nationals. As for Haiti, extraordinary and temporary conditions continue to prevent Haitians from returning in safety. PRM does not believe there have been significant improvements in relevant country conditions since recent past extensions of TPS. In addition, PRM believes that the return over hundreds of thousands of people would destabilize the region, causing significant harm to U.S. foreign policy and national security interests. WHA concurs with PRM's assessment of potential harm to U.S. foreign policy and national security, but it nevertheless believes that conditions in El Salvador, Haiti, and Honduras no longer meet the conditions for continued designation. PRM and WHA agree that if TPS is ended for any of these countries, delayed effective termination dates are warranted.

(SBU) A DHS termination of TPS for any country will have significant foreign policy implications for the Department and United States. As a result, in the event of termination, WHA and PRM agree that a delayed effective date is essential to mitigate the negative impact on U.S. national security and foreign policy priorities in the region. It is in the U.S. national interest to provide the governments with sufficient time to improve conditions and their repatriation systems as it would reduce incentives for illegal re-immigration to the United States and ensure continued bilateral cooperation on migration and bolstering the fight against transnational criminal organizations. Additionally, while these countries are currently cooperating in accepting the repatriation of their nationals, the sudden return of tens of thousands of their citizens would overwhelm their capacity to receive deportees in El Salvador, Haiti, and Honduras. For these countries, a delayed effective date of 36 months is necessary. Nicaragua has relatively better conditions than the other three countries and a smaller population of TPS beneficiaries that will be impacted, and therefore a delayed effective date of 18 months is sufficient.

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**S/P Comment**

(SBU) The purpose of the TPS program is to provide *temporary* safe haven to foreign nationals who are in the United States when armed conflict or disaster strikes their home country. The underlying statute specifically discourages turning TPS into a pathway to permanent legal residence in the United States, as it requires a supermajority in the Senate to even consider legislation that would provide TPS recipients with permanent status. Prior administrations' consistent extension of TPS status for nationals of these countries – for more than 15 years for El Salvador, Honduras, and Nicaragua – violated the spirit and strict legal requirements of the statute, putting this administration in a very difficult position.

(SBU) PRM and WHA, as well as Under Secretary Shannon in his separate note to you, accurately describe the negative political and foreign policy implications of terminating TPS for these countries. While it is important that the Department provide such insight to DHS, it does not absolve us from operating within the statute. TPS beneficiaries and their countries of origin know that this is a temporary program governed by statute that must eventually come to an end. The treatment of the program by prior administrations as something more than temporary shelter does not change that. Another extension for any of these countries based on environmental disaster that struck more than a decade ago (slightly shorter for Haiti) is not supported by the facts on the ground and will only delay the inevitable. While the very real domestic, humanitarian, and foreign policy considerations at play may well lead Congress to reconsider the future legal treatment of long-term TPS beneficiaries – much like with respect to the Deferred Action for Childhood Arrivals (DACA) program – that is not for the Executive Branch to decide. To maintain the integrity of the program for future TPS beneficiaries and fulfill our duty to faithfully execute the law as intended by Congress, S/P agrees with WHA that the Department of State should not recommend extension for any country since the conditions on the ground in each country do not meet the legal requirements to warrant it.

(SBU) The Department should instead focus its engagement with DHS on advocating for a thoughtful and coordinated inter-agency approach to termination of the programs that seeks to mitigate the negative foreign policy impacts and foster any positive impacts of TPS beneficiaries who have lived, worked, or gone to school in the United States returning to their home countries. Such an approach should include a plan for engagement with the governments of the four countries, the TPS beneficiaries themselves, and congressional, NGO, and other stakeholders.

Attachments:

- Tab 1 – WHA – Terminating TPS
- Tab 2 – S/P – Terminating TPS
- Tab 3 – PRM – Extending TPS
- Tab 4 – PRM and WHA Assessment of the Foreign Policy Implications
- Tab 5 – Country Conditions Report for El Salvador
- Tab 6 – Country Conditions Report for Haiti
- Tab 7 – Country Conditions Report for Honduras
- Tab 8 – Country Conditions Report for Nicaragua
- Tab 9 – Overview of TPS

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Approved: PRM – Simon Henshaw, Acting [SH]  
WHA – Francisco L. Palmieri, Acting [FLP]

Drafted: PRM/PIM – Brook Hefright, ext. 3-9209 and home/cell:

B6

Cleared: PRM/FO – Margaret Pollack (ok)  
WHA/FO – Kenneth Merten, Acting (ok)  
WHA/FO – John Creamer (ok)  
PRM/PIM – Christopher Ashe (ok)  
D – Jamie Shufflebarger (ok)  
J – Richmond Blake (info by request)  
P – Luis Mendez (info by request)  
S/P – Taryn Frideres (ok)  
L/HRR - Anna Melamud (ok)  
L/FO – Kathleen Hook (ok)  
WHA/CEN – Eric Sigmon (ok)  
WHA/HSC – Allyson Bowers (ok)

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***Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri***

*Tab 1: WHA- Terminating TPS*

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The Honorable  
Elaine C. Duke  
Acting Secretary of the Department of Homeland Security  
Washington, DC 20528

RELEASE IN FULL

Dear Acting Secretary Duke:

I have assessed that El Salvador, Haiti, Honduras, and Nicaragua no longer meet the conditions required for continued designation for Temporary Protected Status (TPS). The disruption in living conditions in El Salvador, Honduras, and Nicaragua attributable to the environmental disasters that served as the basis for their TPS designations has decreased in severity to a degree that it may no longer be considered "substantial" within the meaning of the TPS statute. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Enclosed are country conditions reports that provide the Department's assessment on conditions in each country as they pertain to their respective TPS designations.

Given the number of impacted beneficiaries, and to minimize any negative implications that termination would have on our bilateral relations with the countries, I recommend that, should the Department of Homeland Security (DHS) decide to terminate TPS for these countries, you do so with delayed effective dates of 18 months to allow adequate time for beneficiaries to arrange for their departure, and for countries to prepare for the reception and reintegration of their citizens and accompanying American citizen dependents.

As you consider your decision, I wish to highlight the significant foreign policy and humanitarian impact a DHS decision to terminate will have on our engagement with these countries. First and foremost, as many as 413,500 beneficiaries, many of whom have lived and worked in the United States for more than 20 years, as well as their U.S. citizen children, many of whom have few if any ties to these countries, will return to countries with limited economic opportunities for their reintegration. Lacking prospects for employment, many will likely fail to depart the United States in the first instance or will re-migrate illegally following their return. In the case of El Salvador and Honduras, both countries continue to have some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services (e.g. education, social services) will make it difficult for the governments to protect and provide for their returning citizens – no less the U.S. citizen children who accompany their parents.

TPS termination is likely to generate a backlash from the governments themselves, particularly the Honduran and Salvadoran governments, who have agreed to engage with the United States in support of the U.S. strategy in Central America. Central American leaders are likely to assert that the large-scale re-integration of hundreds of thousands of TPS beneficiaries (and their scores of dependents) will undermine the Central America Strategy and Central America's complementary Alliance for Prosperity, both of which seek to generate prosperity for the region's citizens and reduce irregular migration to the United States. They may allege the

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United States is breaking with former Secretary of Homeland Security John Kelly's February 23, 2017 pledge that "there will be no mass deportations" to Central America - viewing TPS termination as a de-facto deportation effort.

Negative perceptions by populations in the TPS countries of the United States and the Administration are likely to be intense and sustained, generating significant pressure on national leaders to take actions that run counter to our long-standing national security interests and efforts to promote U.S. exports in the region. The nations could withdraw their counternarcotics and anti-gang cooperation with the United States, reduce their willingness to accept our return of their deported citizens, or refrain from efforts to control illegal migration of their citizens to our nation.

Given the large number of beneficiaries from the four countries, countries in the region and beyond the hemisphere that seek to undermine our international standing will find new fodder in our actions, likely alleging we are acting inhumanely by sending their citizens who have contributed to the American economy and broader society to crime ridden countries bereft of opportunities. Finally, the splitting of beneficiaries from their American citizen children will likely cause a backlash from communities across America and from political leaders across the spectrum.

I thank you in advance for including the Department of State's Bureaus of Western Hemisphere Affairs (WHA) and Population, Refugees, and Migration, as well as our public affairs team, in your Department's planning for the public announcement of any TPS decisions, including to foreign audiences. Additionally, I request that you provide WHA with no less than 48 hours lead time prior to the public announcement so that it can notify counterpart governments, on an embargoed basis, of the decision. I also recommend DHS delay a public announcement for Honduras until November 27, to prevent TPS issues from unduly influencing the November 26 presidential election.

Sincerely,

Rex W. Tillerson

Enclosures:

As stated.



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*Action Memo for Secretary Tillerson from Acting Assistant  
Secretary Henshaw and Acting Assistant Secretary Palmieri*

*Tab 2: S/P- Terminating TPS*

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The Honorable  
Elaine C. Duke  
Acting Secretary of the Department of Homeland Security  
Washington, DC 20528

**RELEASE IN FULL**

Dear Acting Secretary Duke:

The State Department has assessed that El Salvador, Haiti, Honduras, and Nicaragua no longer meet the conditions required for continued designation for Temporary Protected Status (TPS). The disruption in living conditions in El Salvador, Honduras, and Nicaragua attributable to the environmental disasters that served as the basis for their TPS designations has decreased in severity to a degree that it may no longer be considered "substantial" within the meaning of the TPS statute. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Attached are country conditions reports that provide the Department's assessment of conditions in each country as they pertain to their respective TPS designations.

Given the number of impacted beneficiaries, and to minimize any negative implications that termination would have on our bilateral relations with these countries, I recommend that should the Department of Homeland Security (DHS) decide to terminate TPS for these countries, that you do so with delayed effective dates of 18 months. An 18-month wind down period would provide adequate time for long-term beneficiaries to arrange for their departure and for their home countries to prepare for their reception and reintegration.

I do not make these recommendations lightly. As you consider your decision, I am sure you are well aware of the significant humanitarian, foreign policy, and political interests at play. First and foremost, termination of TPS would likely leave hundreds of thousands of TPS recipients – many of whom have lived and worked in the United States for more than 15 years and have U.S. citizen children – out of legal status. For those that depart, they will return to countries with limited economic opportunities for their reintegration. In the case of El Salvador and Honduras, both countries continue to have some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services will make it difficult for their respective governments to ensure the protection of returning citizens – no less the U.S. citizen children who may accompany their parents.

Termination of TPS will also likely generate a backlash from the governments themselves, particularly the Honduran and Salvadoran governments, who have agreed to engage with the United States in support of the U.S. strategy in Central America. Central American leaders are likely to assert that the resources required for a large-scale re-integration of TPS beneficiaries and their dependents will undermine the Central America Strategy and Central America's complementary Alliance for Prosperity, both of which seek to generate prosperity for the region's citizens and reduce irregular migration to the United States. They may take retaliatory actions counter to our long-standing national security and economic interests like withdrawing their counternarcotics and anti-gang cooperation with the United States, reducing

their willingness to accept the return of their deported citizens, or refraining from efforts to control illegal migration:

However, the fact remains that the conditions in these countries do not – in the State Department’s judgment – meet the legal requirements necessary for extension. Should DHS decide to terminate the programs, I hope our Departments can work together in a thoughtful, coordinated manner to develop a plan to work with the four governments, TPS beneficiaries themselves, Congress, NGOs, and other stakeholders to mitigate any negative impact on U.S. national security and foreign policy priorities. As indicated, an 18-month wind down period will be critical to our efforts.

I thank you in advance for including the Department of State’s Bureaus of Western Hemisphere Affairs (WHA) and Population, Refugees, and Migration, as well as our public affairs team, in your Department’s planning for the public announcement of any TPS decisions, including to foreign audiences. Additionally, I request that you provide WHA with no less than 48-hours lead time prior to the public announcement so that it can notify counterpart governments, on an embargoed basis, of the decision. I also recommend DHS delay a public announcement for Honduras until November 27, to prevent TPS issues from unduly influencing the November 26 presidential election.

Sincerely,

Rex W. Tillerson

Enclosures:

As stated.

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*Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri*

*Tab 3: PRM- Extending TPS*

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The Honorable Elaine C. Duke  
Acting Secretary  
Department of Homeland Security  
Washington, DC 20528

RELEASE IN FULL

Dear Ms. Duke:

I have assessed that El Salvador, Haiti, and Honduras continue to meet the conditions required for continued designation for Temporary Protected Status (TPS). The disruption in living conditions in El Salvador and Honduras attributable to the environmental disasters that served as the basis for their TPS designations remain "substantial" within the meaning of the TPS statute, and both countries remain unable to handle adequately the return of their nationals who are TPS beneficiaries. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have not sufficiently improved such that nationals of Haiti can return in safety. The disruption in living conditions in Nicaragua attributable to the environmental disasters that served as the basis for its TPS designation has decreased in severity to a degree that it may no longer be considered "substantial" within the meaning of the TPS statute. Enclosed are country conditions reports that provide the Department's assessment on conditions in each country as they pertain to their respective TPS designations.

Given the number of impacted beneficiaries, and to minimize the potential adverse impact Department of Homeland Security (DHS) terminations would have on our bilateral relations with the countries, I recommend that, should you decide to terminate TPS for any of these countries, you do so with delayed effective dates of 18-36 months to allow adequate time for beneficiaries to arrange for their departure, and for countries to prepare for the reception and reintegration of their citizens and accompanying American citizen dependents. As Haiti, Honduras, and El Salvador will have tremendous difficulties managing the sudden return of tens of thousands of TPS beneficiaries and dependents, I strongly endorse a delayed termination effective date of 36 months should you terminate their respective TPS designations. For Nicaragua, with its lower crime rate, better economic conditions, and smaller number of TPS beneficiaries, I believe a shorter delayed effective date of 18 months for the termination is reasonable and is in-line with transition periods granted for other countries where TPS has been terminated.

As you consider your decision, I wish to highlight the significant foreign policy and humanitarian impact a DHS decision to terminate will have on our engagement with these countries. First and foremost, as many as 413,500 beneficiaries, many of whom have lived and worked in the United States for more than 20 years, as well as their U.S. citizen children, many of whom have few if any ties to these countries, will return to countries with limited economic opportunities for their reintegration. Lacking prospects for employment, many will likely fail to depart the United States in the first instance or will re-migrate illegally following their return. In the case of El Salvador and Honduras, both countries continue to have some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services (e.g. education, social services) will make it difficult for the governments to protect and provide for their returning citizens – no less the U.S. citizen children who accompany their parents.

TPS termination is likely to generate a backlash from the governments themselves, particularly the Honduran and Salvadoran governments, who have agreed to engage with the United States in support of the U.S. strategy in Central America. Central American leaders are likely to assert that the large-scale re-integration of hundreds of thousands of TPS beneficiaries (and their scores of dependents) will undermine the Central America Strategy and Central America's complementary Alliance for Prosperity, both of which seek to generate prosperity for the region's citizens and reduce irregular migration to the United States. They may allege the United States is breaking with former Secretary of Homeland Security John Kelly's February 23 pledge that "there will be no mass deportations" to Central America - viewing TPS termination as a de-facto deportation effort.

Negative perceptions by populations in the TPS countries of the United States and the Administration are likely to be intense and sustained, generating significant pressure on national leaders to take actions that run counter to our long-standing national security interests and efforts to promote U.S. exports in the region. The nations could withdraw their counternarcotics and anti-gang cooperation with the United States, reduce their willingness to accept our return of their deported citizens, or refrain from efforts to control illegal migration of their citizens to our nation.

Given the large number of beneficiaries from the four countries, countries in the region and beyond the hemisphere that seek to undermine our international standing will find new fodder in our actions, likely alleging we are acting inhumanely by sending their citizens who have contributed to the American economy and broader society to crime ridden countries bereft of opportunities. Finally, the splitting of beneficiaries from their American citizen children will likely cause a backlash from communities across America and from political leaders across the spectrum.

I thank you in advance for including the Department of State's Bureaus of Western Hemisphere Affairs (WHA) and Population, Refugees, and Migration, as well as our public affairs team, in your Department's planning for the public announcement of any TPS decisions, including to foreign audiences. Additionally, I request that you provide WHA with no less than 48 hours lead time prior to the public announcement so that it can notify counterpart governments, on an embargoed basis, of the decision. I also recommend DHS delay a public announcement for Honduras until November 27, to prevent TPS issues from unduly influencing that country's November 26 presidential election.

Sincerely,

Rex W. Tillerson

Enclosures:

As stated.

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*Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri*

*Tab 4: PRM and WHA Assessment of the Foreign Policy Implications*

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**(U) PRM and WHA Assessment of the Foreign Policy Implications of DHS Termination of Temporary Protected Status for El Salvador, Haiti, Honduras, Nicaragua**

**(SBU) A DHS decision to terminate TPS is likely to generate a backlash from the Honduran and Salvadoran governments who, together with Guatemala, committed \$5.4 billion from 2016 to 2017 to implement reforms under the Alliance for Prosperity to address the conditions driving illegal immigration from their countries to the United States. Negative reactions by citizens could generate significant pressure on government leaders to take actions that run counter to the \$2 billion U.S. strategy in Central America, which addresses the security, governance, and economic drivers of illegal immigration and illicit trafficking. A DHS decision to terminate TPS could also cause the governments to reduce their counternarcotics and anti-gang cooperation with the United States and stop combatting human-smuggling and discouraging their citizens from illegally immigrating to the United States. Progress in all of these areas is critical to the Administration's national security goals at our Southwest border.**

**(SBU) A DHS termination of TPS for these countries will have serious negative humanitarian and other consequences. It will directly impact as many as 413,500 individuals who have lived and worked in the United States for many years. Many of them have U.S. citizen children and own homes and businesses and employ American citizens. These individuals will be required to return to countries with limited economic opportunities, high levels of insecurity and corruption, and poor government services. When faced with these prospects, many of these individuals will likely seek to illegally return to the United States. El Salvador and Honduras continue to have some of the world's highest homicide rates, which will make it difficult for the governments to ensure the safety of their returning citizens, including U.S. citizen spouses and children who may accompany them. Many could make asylum or withholding of removal claims prior to departure that could overwhelm current resources.**

**(SBU) A DHS termination of TPS would also jeopardize the progress made in developing a more secure, stable, and self-sufficient Haiti. Haiti historically has been plagued by issues such as endemic poverty, food insecurity, and subsequent devastating natural disasters. Haitians who are returned to a country that is not yet able to ensure their safe reintegration and provide economic opportunities would further incentivize illegal immigration. This would strain the already limited resources of our North American, Central American, and Caribbean partners. To this end, such an irregular flow of Haitian migrants through the region, similar to what was seen in 2016, could threaten the progress made on the U.S. strategy in Central America, and the efforts we have made to further secure our southern and northern borders.**

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*Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri*

*Tab 5: Country Conditions Report for El Salvador*

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TEMPORARY PROTECTED STATUS (TPS) FOR EL SALVADOR - 2017****I. Statutory Basis for Designation**

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?

**WHA POSITION**

(SBU) Yes, the conditions under which El Salvador was designated in 2001 have ceased to exist. Attorney General John Ashcroft designated El Salvador for TPS on March 9, 2001, on the basis of environmental disaster stemming from a devastating earthquake on January 13, 2001, followed by two more earthquakes on February 13 and 17, 2001. Subsequent Attorneys General and Secretaries of Homeland Security have extended the TPS designation for El Salvador eleven times; the most recent extension was effective September 10, 2016, and expires on March 9, 2018. This extension cited not only the 2001 earthquakes, but subsequent natural disasters and environmental challenges, including: (1) hurricanes and tropical storms; (2) heavy rains and flooding; (2) volcanic and seismic activity; (3) an ongoing coffee rust epidemic; (4) a prolonged regional drought that was impacting food security; and (5) an outbreak of mosquito-borne illnesses, all of which have slowed recovery from the 2001 earthquakes. It also noted El Salvador's serious economic and security challenges (81 FR 44645).

(SBU) While the 2001 earthquakes and subsequent environmental disasters have slowed economic growth, the disruption of living conditions attributable to the earthquakes in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. The social and economic conditions affected by the earthquakes have stabilized and people are able to conduct their daily activities without impediments related to damage from the earthquakes. Many of the homes and infrastructure destroyed by the earthquakes have been restored, and economic activity has resumed. However, because El Salvador remains unable, due to ongoing security and economic conditions, to handle adequately the precipitous return of its nationals – should the Acting DHS Secretary decide to terminate TPS for El Salvador, the Department recommends that the effective date of the termination should be delayed 36 months to allow El Salvador much needed time to reabsorb its nationals, and permit the TPS holders time to close out their affairs in the United States.

**PRM POSITION**

(SBU) No. Substantial, but temporary, disruption of living conditions continues to exist in El Salvador that renders the country temporarily unable to handle the return of its nationals. Attorney General John Ashcroft designated El Salvador for TPS on March 9, 2001, on the basis of environmental disaster. The original designation reads "El Salvador suffered a devastating earthquake on January 13, 2001, and experienced two more earthquakes on February 13 and 17, 2001. Based on a thorough review by the Departments of State and Justice, the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is unable, temporarily, to handle adequately the return of its nationals" (66 FR 14214). Subsequent Attorneys General and Secretaries of Homeland Security have extended the TPS designation for El Salvador eleven

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times; the most recent extension was effective September 10, 2016, and expires on March 9, 2018. This extension cited not only the 2001 earthquakes, but subsequent natural disasters and environmental challenges, including: (1) hurricanes and tropical storms; (2) heavy rains and flooding; (2) volcanic and seismic activity; (3) an ongoing coffee rust epidemic; (4) a prolonged regional drought that was impacting food security; and (5) an outbreak of mosquito-borne illnesses, all of which have slowed recovery from the 2001 earthquakes. It also noted El Salvador's serious economic and security challenges (81 FR 44645).

**(SBU) The 2001 earthquakes and subsequent environmental disasters have slowed economic growth, exacerbating the economic and security challenges the country is facing, and undermining the ability of the government to handle adequately the return of its nationals. Most recently, in 2016, El Salvador declared a drought emergency after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters. We assess that there continues to be a substantial disruption of living conditions caused by environmental disasters, and that due to these disruptions, as well as accompanying insecurity and its fragile economy, El Salvador remains temporarily unable to handle adequately the return of its nationals. For these reasons, we recommend that the Acting Secretary of Homeland Security extend the TPS designation for El Salvador on the basis of environmental disaster.**

**A. Armed conflict**

1. Is the foreign state currently involved in an ongoing, internal, armed conflict?

(U) No.

- a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) N/A.

**B. Environmental Disaster**

1. Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?

WHA POSITION

(SBU) Yes, but the conditions have ceased to exist. El Salvador experienced a series of earthquakes and aftershocks in early 2001, followed by additional environmental disasters since 2001, including Tropical Storm Stan in 2005, a series of earthquakes in 2006, and storms in 2009 (Ida) and 2010 (Agatha). Most recently, El Salvador declared a drought emergency in 2016, after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters.

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(SBU) Yes. El Salvador experienced a series of earthquakes and aftershocks in early 2001, followed by additional environmental disasters since 2001, that have slowed economic growth and including Tropical Storm Stan in 2005, a series of earthquakes in 2006, and storms in 2009 (Ira) and 2010 (Agatha). Most recently, El Salvador declared a drought emergency in 2016, after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters.

- a. If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?

WHA POSITION

(SBU) No, the disruption of living conditions attributable to the 2001 earthquakes should no longer be regarded as "substantial." Many basic services that were impaired following the 2001 earthquake have been restored.

(SBU) Despite progress in recovery from the 2001 earthquakes, El Salvador continues to experience frequent and significant natural disasters and environmental challenges the effects of which should not be discounted, and which affect its ability to adequately handle a precipitous return of its nationals residing in the United States. Agriculture accounts for 10 percent of GDP but 20 percent of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The 2014-2016 drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector's employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

(SBU) Problems of slow growth and lack of employment, in part due to the series of natural disasters, continue to plague the country. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years -- and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30).

PRM POSITION

(SBU) Yes. Although many basic services that were impaired following the 2001 earthquake have been restored, the disruption to living conditions has continued. El Salvador continues to experience frequent and significant natural disasters and environmental challenges, including, most recently, a drought in 2014-2016, that led to the continued disruption of living conditions. Agriculture accounts for 10 percent of GDP but 20 percent of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The drought was particularly

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acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector's employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

(SBU) The disruption resulting from the 2001 earthquakes was compounded, and recovery efforts slowed, due to subsequent disasters. Problems of slow growth and lack of employment, in part due to the series of natural disasters, continue to plague the country. El Salvador has experienced the worst GDP growth rate in the region for ten straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30).

**2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?**

(SBU) Yes, El Salvador continues to suffer from serious security and economic challenges and is unable to adequately handle the immediate return of a large number of TPS beneficiaries – a total of 263,282 Salvadorans – and potentially their family members, including a significant number of children, most of whom are dual U.S.-Salvadoran nationals. The Salvadoran foreign minister estimates at least 200,000 U.S.-born, dual-national children would be impacted by the end of TPS, although the numbers could be much higher.

(SBU) The Salvadoran government works closely with DHS to facilitate the deportation of Salvadorans from the United States, accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has facilitated the return of 52,000 deportees in 2016, 21,000 from the United States and 31,000 from Mexico. Reports indicate, however, that many of the returnees try to return to the United States illegally shortly after their deportation back to El Salvador. This is because the government cannot provide basic services for these returned nationals and the economy cannot create sufficient jobs to employ them. High levels of insecurity also continue to hinder El Salvador's ability to adequately handle a precipitous return of TPS beneficiaries. Homicide rates in El Salvador in 2016 were the highest in the world outside a war zone, at 81 homicides per 100,000 inhabitants in 2016, and growth was the lowest in Central America, creating a climate of fear and hopelessness that continues to drive migrants north. Parents in many communities in El Salvador fear boys may be targeted for gang recruitment and girls may be forced into sexual relations with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61 percent have no children left in Central America. These returnees

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would need to compete with locals to find scarce jobs in order to support themselves and their families legally. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their children, into the gangs or other illicit employment. In addition, the immediate return of a population of TPS Salvadoran nationals of the magnitude currently residing in the United States – which El Salvador is currently unable to adequately absorb or employ – could intensify the push factors that drive illegal migration.

(SBU) High levels of insecurity as well as ongoing effects from the series of natural disasters El Salvador has experienced also hamper economic growth and prosperity. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30). Extortion of businesses drives up costs and discourages investment. Business leaders assess that extortion payments have tripled since 2013, with small businesses paying approximately 10-20 percent of their income to organized crime, while larger businesses face monthly payments in the tens of thousands of dollars. The Central Bank estimates that extortion fees paid by businesses could amount to approximately \$756 million – or almost 3 percent of GDP – though other estimates are lower.

**3. Does the foreign state continue to support the TPS designation?**

(SBU) Yes. On June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

***C. Extraordinary and Temporary Conditions***

- 1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

- 2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

**II. Discretionary Factors**

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**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) El Salvador is a consistent partner of the United States in working to combat illegal immigration and transnational criminal organizations. The Government of El Salvador has shown itself willing to proactively address concerns related to illegal immigration, investing time, money, and political capital in trying to keep its citizens in El Salvador. El Salvador is also a receptive partner for the U.S. government and other governments in the region seeking to deport Salvadoran nationals. If, however, the Government of El Salvador were expected to immediately absorb 263,282 of its citizens, its institutional capacity and willingness to continue to be a receptive partner would diminish. In addition, without a delayed effective date, the Salvadoran government would be forced to dedicate all available resources to receiving its nationals, undermining the medium- to longer-term U.S. goals in El Salvador, which could lead to an increase in illegal migration from El Salvador to the United States.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government continues efforts to build security, improve prosperity, and strengthen institutions. The Department of State and USAID are investing approximately \$2 billion in FY 2015 to FY 2017 assistance to advance our economic, security, and governance goals in Central America. These efforts, combined with El Salvador's own efforts under the Alliance for Prosperity, protect U.S. national security by combatting transnational criminal organizations, including gangs, and creating conditions for Salvadoran citizens to remain and prosper in their home country.

(SBU) The Government of El Salvador is making a concerted effort to fight crime and restore its economy. The government is expanding a national security plan that significantly reduced homicides in the most crime-ridden municipalities and passed legislation that has helped cut off imprisoned gang members from their rank-and-file members. It is targeting gang financial networks and dismantling extortion rings. El Salvador has demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

(SBU) The Salvadoran government cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 9.0 metric tons of cocaine – more than four times the amount seized the previous year. El Salvador has been particularly active on maritime seizures of illegal narcotics, including via the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals to the United States has been another example of ongoing cooperation. More recently, the Government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the immediate movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The immediate deportation of

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TPS beneficiaries in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

(SBU) On the economy, the Salvadoran government intends to join a customs union with Guatemala by the end of 2017 to reduce the costs of trade and improve commerce, while it also works to improve the business climate for investment by reducing bureaucratic procedures. Through the Alliance for Prosperity, El Salvador is leading the effort to improve the situation on the ground to attract Salvadorans back to El Salvador in the future. In 2017, the Government of El Salvador passed legislation and kicked off programs through the Ministry of Foreign Affairs to assist Salvadorans deported from the United States, including through small loans and training to show them how to access public services. The U.S. Millennium Challenge Corporation invested \$490 million in 2007 to boost agriculture, build roads, provide clean water, and improve education. In 2014, MCC signed a second compact for \$367 million, including \$88 million in funding from the government of El Salvador, to improve the investment climate, employment, and transportation infrastructure.

(SBU) The broad U.S. support for improving security and economic opportunity in El Salvador is designed to address the underlying drivers of illegal migration and lay the groundwork for an eventual return of many Salvadorans from the United States. Under current conditions, however, immediate repatriation of the TPS beneficiaries and their families would likely endanger those U.S. foreign policy goals. Introducing an additional 263,282 working-age people and children vulnerable to recruitment by transnational criminal organizations (TCOs), such as MS-13, to a country rife with gangs and that cannot provide the 60,000 jobs required every year for its current population will undermine U.S.-Salvadoran efforts to combat TCOs. With no employment and few ties, options for those returning to El Salvador and those overwhelmed by the additional competition will likely drive increased illegal migration to the United States and the growth of MS-13 and similar gangs. A delayed effective date of 36 months will allow much-needed time for our work with the government of El Salvador to combat TCOs and create jobs to bear fruit. This will hopefully mean that the large number of returnees will have access to employment and services, making their re-entry smoother and increasing the likelihood that they will remain in El Salvador.

(SBU) Finally, Permitting El Salvadorans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 16 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

### III. Recommendation

#### WHA POSITION

(SBU) Since the grounds for El Salvador's January 13, 2001, designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for El Salvador, that the Acting Secretary designate an effective date to provide TPS benefits for an additional ~~30~~ months beyond the end of the current designation for the purpose of orderly transition.

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Providing the government more time to improve conditions and repatriation systems is directly in the U.S. national interest, since it would reduce incentives for illegal immigration and encourage continued bilateral cooperation on other national security issues, including the fight against transnational criminal organizations. It would increase the likelihood of sustaining effective cooperation with the United States on a wide range of issues. Improved conditions in El Salvador would give Salvadorans residents there, especially young people, an incentive to continue to seek their fortunes in El Salvador, and would make it more likely that Salvadorans in the United States would return to El Salvador voluntarily. Moreover, since 2001, 263,282 Salvadoran nationals have received TPS, and during that time, many started families, opened businesses, and bought houses and properties in the United States. This period of transition would provide them and their family members with time to prepare for their departure from the United States.

(SBU) While the conditions in El Salvador that justified the designation of El Salvador for TPS on the basis of environmental disaster no longer exist, a sudden DHS termination of TPS for El Salvador without a delayed effective date would overwhelm the country's ability to absorb returnees.

PRM POSITION

(SBU) The conditions in El Salvador that justified the designation of El Salvador for TPS on the basis of environmental disaster continue to be met. In addition, a sudden termination of TPS for El Salvador would overwhelm the country's ability to absorb returnees. Extending TPS for El Salvador is in the U.S. national interest. The drivers of illegal migration remain acute, but there is a path to address them. However, the government of El Salvador needs more time with the assistance of the United States and other international partners to make sustainable gains. A rapid repatriation of some 187,000 Salvadorans will undermine ongoing efforts to protect U.S. national security by combatting transnational criminal organizations. **The Department recommends that the Secretary of Homeland Security extend the TPS designation for El Salvador for 18 months on the basis of environmental disasters and the fragile security and economic situation, which render El Salvador unable to reabsorb its nationals.**

(SBU) PRM agrees with WHA that a sudden DHS termination of TPS for El Salvador without a delayed effective date would overwhelm the country's ability to absorb returnees.

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*Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri*

*Tab 6: Country Conditions Report for Haiti*

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**DEPARTMENT OF STATE RECOMMENDATION REGARDING  
TEMPORARY PROTECTED STATUS (TPS) FOR HAITI – 2017****I. Statutory Basis for Designation**

**Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?**

**WHA POSITION**

**(SBU) Yes, the conditions have ceased to exist.** The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Former Secretary of Homeland Security Janet Napolitano originally designated Haiti for TPS effective January 21, 2010, on the basis of extraordinary and temporary conditions in the wake of Haiti's 2010 earthquake. Since 2010, a 2011 re-designation and four subsequent extensions of TPS designation for Haiti have been made by DHS Secretaries. The most recent extension, effective from July 23, 2017 – January 22, 2018, cited not only temporary and extraordinary conditions in the wake of the 2010 earthquake, but subsequent conditions, including: 2016's Hurricane Matthew, April 2017 heavy rains and landslides, security vulnerabilities that some Haitians who reside in Internally Displaced Persons (IDP) areas experience, and health vulnerabilities due to a weak public health system, which has been strained by a cholera epidemic. The extension also noted Haiti's serious economic and security challenges (82 FR 23830).

**(SBU) Country conditions have improved since the January 2010 earthquake.** The IDP population has decreased 97 percent from its peak in 2010. A legitimized government is in place after two years of electoral impasse. As of October 15, 2017, all UN military personnel have been withdrawn from Haiti; to be replaced by a police only successor mission focused on strengthening rule of law and promoting human rights.

**(SBU) Specific lingering effects of the earthquake remain in the areas of infrastructure, health, sanitation services, and emergency response capacity.** Although significant steps have been taken to improve the stability and the quality of life for Haitian citizens, Haiti continues to lack the capacity to ensure that the large population TPS beneficiaries currently residing in the United States can return in safety. However, Haiti maintains the ability safely to receive traditional levels of returned Haitian nationals, and is currently doing so.

**(SBU) Based on these facts, we assess that the extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety.**

**PRM POSITION**

**(SBU) No, the conditions under which Haiti was designated for TPS continue to exist.** Former Secretary of Homeland Security Janet Napolitano originally designated Haiti for TPS effective January 21, 2010, on the basis of extraordinary and temporary conditions in the wake of Haiti's 2010 earthquake. The original designation reads "On January 12, 2010, Haiti was struck by a 7.0-magnitude earthquake. Given the size of the destruction and humanitarian challenges,

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there clearly exist extraordinary and temporary conditions preventing Haitian nationals from returning to Haiti in safety" (75 FR 3476).

(SBU) Secretary Napolitano re-designated Haiti for TPS effective July 23, 2011, on the same basis. The re-designation reads, "Over the past year, DHS and the Department of State (DOS) have continued to review conditions in Haiti. Based on this review, and after consulting with DOS, the Secretary has determined that an 18-month extension of Haiti's TPS designation from July 23, 2011, through January 22, 2013, is warranted because the conditions prompting the original designation continue to be met. The Secretary has further determined that these same conditions in Haiti support re-designating Haiti for TPS ..." (76 FR 29000).

(SBU) Since re-designation, subsequent DHS Secretaries have extended Haiti's TPS designation four times; the most recent extension is effective from July 23, 2017 – January 22, 2018. This extension cited not only temporary and extraordinary conditions in the wake of the 2010 earthquake, but subsequent conditions, including: Hurricane Matthew in 2016, heavy rains and landslides in April 2017, security vulnerabilities that some Haitians experience because they continue to reside in IDP camps or temporary homes, and health vulnerabilities due to a weak public health system, which has been strained by a cholera epidemic. The extension also noted Haiti's serious economic and security challenges.

(SBU) Haiti historically has faced challenges unique to its counterparts in the hemisphere, which still affect the country today. While there has been notable progress in recovering from the 2010 earthquake, Haiti continues to be plagued by issues affecting its development, such as endemic poverty. Since the 2010 earthquake, country conditions and the government's capacity have improved sufficiently to adequately handle the return of moderate numbers of its nationals. However, Haiti continues to be affected by the lingering effects of the 2010 earthquake damage and subsequent conditions that have exacerbated pre-existing security, socio-economic, and environmental vulnerabilities and disparities. Based on these facts, we assess that the extraordinary and temporary conditions that formed the basis for the 2010 designation and 2011 re-designation continue to exist and prevent Haitians from returning in safety. Therefore, the Department recommends that the Acting Secretary of Homeland Security extend the TPS designation for Haiti on the basis of extraordinary and temporary conditions.

***A. Armed Conflict***

**1. Is the foreign state still involved in an ongoing, internal armed conflict?**

(U) No.

**a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) still pose a serious threat to their personal safety?**

(U) N/A.

***B. Environmental Disaster***

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1. Does there continue to be a substantial, but temporary, disruption of living conditions in the area affected by the environmental disaster?

(U) N/A.

2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(U) N/A.

3. Does the foreign state continue to support the TPS designation?

(U) N/A.

*C. Extraordinary and Temporary Conditions*

1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

WHA POSITION

(SBU) No. In the wake of the 2010 earthquake, Haiti continues to be affected by lingering earthquake damage. The earthquake destroyed virtually all government offices and ministries in downtown Port-au-Prince, leaving most in long-term temporary facilities spread throughout the city. However, country conditions and the Government of Haiti's capacity have improved sufficiently to allow for the safe return of a moderate flow of Haitian nationals.

(SBU) Since the earthquake, the IDP population had decreased 97 percent (from two million to 37,000) from its estimated peak in 2010, to the point where today, just 27 of the original 1,555 IDP sites remain open. Despite these gains, gender-based violence in the IDP areas remains a serious concern, and personal security is a serious and pervasive problem. An estimated 41,000 Haitians who have been made homeless as a result of various natural disasters since 2010, including Hurricane Matthew in 2016, affecting Haiti remain in IDP areas.

(SBU) With more than a half its total population living in extreme poverty, Hurricane Matthew demonstrated Haiti's weakened ability to cope, recover, and adapt to shocks from natural disasters. This fragility was exposed again most recently by Hurricane Irma, which temporarily displaced over 10,000 people into shelters and exacerbated an existing food security crisis on the northern coast.

(SBU) With the withdrawal of the United Nations Stabilization Mission in Haiti's (MINUSTAH) military component underway, the Haitian National Police (HNP) will be called upon to shoulder increased responsibility for maintaining order throughout the country. However, the HNP remains highly concentrated in Port-au-Prince and has limited resources, challenging its ability to guarantee security throughout the country. The United States and our international partners

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continue to work to train and support the development and growth of the HNP, which has been increasingly perceived as professional and capable of providing security.

PRM POSITION

(SBU) Yes. In the wake of the 2010 earthquake, country conditions and the Government of Haiti's capacity have improved sufficiently to absorb the return of a moderate flow of Haitian nationals. However, Haiti continues to be affected by lingering earthquake damage. The earthquake destroyed virtually all government offices and ministries in downtown Port-au-Prince, leaving most in long-term temporary facilities spread throughout the city.

(SBU) In addition, the Haitian government's capacity for migrant reception remains low, and it would be very difficult for the Government of Haiti to absorb the approximately 58,706 Haitians currently residing in the United States under TPS in a short period of time.

(SBU) Throughout Haiti, country conditions have improved, but remain generally poor. While the institutional capacity of the Haitian government to adequately respond to the lingering effects of the earthquake remains weak, the U.S. government has worked toward strengthening the Haitian civil service and government service delivery. For example, there have been some improvements in access to primary education, resulting in a noticeable increase in participation rates of school-aged children from 79 to 87.3 percent. However, only 29.5 percent of school-aged children are enrolled and the quality of education remains a challenge.

(SBU) Gender-based violence in the internally displaced persons (IDP) areas remains a serious concern, and personal security is a serious and pervasive problem. Of the original two million people made homeless by the earthquake, approximately 37,000 remain in IDP areas. Despite efforts by the Haitian authorities and the international community to address these concerns, the effects of earthquake-related infrastructure damage to housing in Haiti remains. Some of those who were displaced have moved back to unsafe homes, begun reconstruction of damaged homes without adequate guidance as to how to bring their homes up to code, or relocated to informal settlements located in other hazardous areas.

(SBU) With more than 98 percent of Haitians exposed to two or more types of disasters (floods, landslides, droughts, earthquakes and hurricanes), the impact of recurring natural disasters is particularly severe, especially considering pre-existing security, socio-economic and environmental vulnerabilities and disparities. With more than a half its total population living in extreme poverty, Hurricane Matthew demonstrated Haiti's weakened ability to cope, recover, and adapt to shocks from natural disasters. This fragility was exposed again most recently by Hurricane Irma, which temporarily displaced more than 10,000 people into shelters and exacerbated an existing food security crisis on the northern coast. Meanwhile, as a result of electoral-related tensions, politically motivated demonstrations and insecurity have affected the humanitarian operating environment. At the same time, the international humanitarian presence has decreased in the field due to downward funding trends.

(SBU) With the withdrawal of the United Nations Stabilization Mission in Haiti's (MINUSTAH) military component underway, the Haitian National Police (HNP) will be called upon to shoulder increased responsibility for maintaining order throughout the country. However, the HNP

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remains highly concentrated in Port-au-Prince and has limited resources, challenging its ability to guarantee security throughout the country. The United States and our international partners continue to work to train and support the development and growth of the HNP, which has been increasingly perceived as professional and capable of providing security. Thanks to this assistance, the HNP almost met its five-year development plan goal of 15,000 officers on the force, allowing it to assume a greater responsibility for security ahead of MINUSTAH's closure on October 15, 2017.

(SBU) Finally, based on the challenging experience Haiti has had with the weekly return of noncriminal deportees, it lacks the adequate infrastructure, health, sanitation services, and emergency response capacity necessary to ensure the personal safety of a large number of TPS returnees in tandem with the resumption of noncriminal deportations by the United States.

**2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(SBU) No. Permitting Haitians to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for six or seven years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

**II. Discretionary Factors**

**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) An abrupt termination of TPS for Haiti that does not provide a period for an orderly transition could jeopardize progress made in our bilateral relationship, particularly our robust partnership with Haiti on migration.

(SBU) **Setting a Negative Historical Precedent:** Approximately 58,706 Haitians received TPS benefits following the 7.0 magnitude earthquake in 2010. Since 1990 when the TPS statute was passed, approximately 22 countries have been designated under the statute. Only three countries have had their TPS designation terminated without a period of at least six months provided for orderly transition – those cases involved beneficiary populations of as few as 316, and as many as 4,018. The average duration of a TPS designation has been 8.5 years. By this measure, an immediate effective date for termination of Haiti's TPS designation would be a statistical outlier. Haiti has been designated for TPS for less than eight years, and its sudden termination with no delay in effective date to allow for orderly transition period would affect 14 times more people than the largest group of TPS beneficiaries whose status was terminated without an extended transition period (which last occurred in 1993).

(SBU) **A Cooperative Partnership:** Haiti is a committed and cooperative partner in stemming the irregular flow of migrants to the United States, accepting regular deportation flights, and preventing further illegal migration of Haitians upon their return. This cooperation was best

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exemplified through their support in managing the irregular flow of Haitian migrants arriving at the U.S. southwest border with Mexico in 2016. Despite political turmoil and economic uncertainty in Haiti, when more than 6,500 Haitians presented themselves at U.S. ports of entries (a 1,300 percent increase from 2015), the Haitian government agreed to receive non-criminal deportation flights for the first time since the 2010 earthquake. This proved to be a strong deterrent mechanism, bringing a near cessation of Haitians presenting themselves at the U.S. southwest border. To date, Haiti has accepted over 5,200 deportees.

(SBU) Haiti has also shown a commitment to adequately prepare in the event TPS is terminated. Since then-DHS Secretary Kelly's visit to Haiti on May 31, Haiti has made the following preparations:

- **(SBU) Establishment of a Working Group:** The Government of Haiti established a minister-level working group focused on efforts to mitigate factors that cause Haitians to migrate illegally. A sub-group was created in order to focus specifically on preparations for the possible DHS termination of TPS; understanding the need to ensure employment opportunities exist for TPS beneficiaries when they return to Haiti.
- **(SBU) Outreach to Diaspora Leaders:** Haiti's Ambassador in Washington has worked to raise awareness amongst influential diaspora leaders, so they can effectively share information with the Haitian community in the United States on how a policy change will affect them.
- **(SBU) Providing Legal Assistance:** The Haitian Mission in the United States established a hotline to provide legal assistance by way of immigration attorneys.

**(SBU) Implications of a Termination:** While the Haitian government has exemplified its commitment to remain a cooperative partner of the United States, an abrupt DHS termination of TPS benefits for Haitian beneficiaries would jeopardize this progress. It would also threaten the strides the Government of Haiti has made towards political stability. After two years of electoral impasse, President Jovenel Moise and his government have been legitimized and are able to focus on developing a more secure, stable, and self-sufficient Haiti. It is in our interest to remain committed to the country's long-term security, democratic development, and economic growth, as well as to recognize when adequate conditions exist to warrant DHS termination of TPS.

(SBU) An immediate DHS termination of benefits at this juncture, when Haiti is focused on developing opportunities that allow Haitians to stay and help build their country, would have implications not only for Haiti's stability, but for the region. Haitians who are involuntarily returned to a country that is not yet able to handle the influx of returns would further incentivize illegal migration, to the United States and other destinations. This would strain the already limited resources of our North American, Central American, and Caribbean partners. To this end, such an irregular flow of Haitian migrants, similar to what was seen in 2016, could threaten the progress made on the U.S. strategy in Central America, and the efforts we have made to further secure our borders. It is therefore in the national security interests of the United States to ensure an orderly transition of Haitian TPS beneficiaries.

### III. Recommendation

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WHA POSITION

(SBU) The extraordinary and temporary conditions that served as the basis for the 2010 designation and 2011 re-designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. However, lingering issues from the 2010 earthquake, the aftermath of Hurricane Matthew in 2016, the heavy rains and landslides in 2017, Hurricane Irma in September 2017, and the additional effects of the cholera epidemic continue to affect Haiti. It is in the national interest of the United States to ensure that Haiti's inability to absorb a large number of TPS beneficiaries does not jeopardize the progress Haiti has made in receiving criminal and noncriminal deportees from the United States. Based on these factors, the Department recommends that the Acting Secretary of Homeland Security designate an effective date to provide TPS benefits for an additional 36 months beyond the end of the current designation to provide the Haitian government with adequate time to prepare for the safe reintegration of approximately 58,706 Haitians.

PRM POSITION

(SBU) The extraordinary and temporary conditions that formed the basis for the 2010 designation and 2011 re-designation continue to exist and prevent Haitians from returning to Haiti in safety. Lingering issues from the 2010 earthquake, the aftermath of Hurricane Matthew in 2016, the heavy rains and landslides in 2017, Hurricane Irma in September 2017, and the additional effects of the cholera epidemic continue to prevent Haitians from returning to Haiti in safety. Furthermore, it is in the national interest of the United States to ensure that Haiti's inability to absorb a large number of TPS beneficiaries does not jeopardize the progress Haiti has made in receiving criminal and noncriminal deportees from the United States. Based on these factors, we recommend that the Acting Secretary of Homeland Security extend the TPS designation for Haiti for a further six months on the basis of extraordinary and temporary conditions.

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***Action Memo for Secretary Tillerson from Acting Assistant Secretary Henshaw and Acting Assistant Secretary Palmieri***

*Tab 7: Country Conditions Report for Honduras*

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SENSITIVE BUT UNCLASSIFIEDRELEASE IN FULL**(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING  
TEMPORARY PROTECTED STATUS (TPS) FOR HONDURAS – 2017****I. Statutory Basis for Designation**

*Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?*

**WHA POSITION**

(SBU) Yes, the conditions under which Honduras was designated for TPS have ceased to exist. Attorney General Janet Reno originally designated Honduras for TPS on January 5, 1999, on the basis of environmental disaster. The original designation reads, "Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals" (64 FR 524). Subsequent Attorneys General and Secretaries of the Department of Homeland Security extended TPS for Honduras 13 times in 18-month increments; the most recent extension was effective July 6, 2016. The 2016 extension cited not only Hurricane Mitch, but also subsequent environmental disasters, including: (1) severe rains, landslides, and flooding, and heavy winds associated with Tropical Storm Hanna toward the end of 2014; (2) a dramatic increase in mosquito-borne diseases in 2014 and 2015; and (3) a prolonged regional drought and coffee rust epidemic (81 FR 30331).

(SBU) Honduras remains vulnerable to severe weather events, but the disruption of living conditions attributable to Mitch in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. Since the storm, much of the destroyed infrastructure and housing has been rebuilt. The social and economic conditions affected by the storm have stabilized and people are able to conduct their daily activities without impediments related to the damage of Mitch.

(SBU) The conditions in Honduras that caused it to be designated for TPS on the basis of the environmental disaster – i.e., the substantial disruption of living conditions caused by Hurricane Mitch, which rendered Honduras temporarily unable to adequately handle the return of its nationals and habitual residents, no longer exist.

**PRM POSITION**

(SBU) No. Conditions under which Honduras was designated for TPS have not ceased to exist. Attorney General Janet Reno originally designated Honduras for TPS on January 5, 1999, on the basis of environmental disaster. The original designation reads, "Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals" (64 FR 524). Subsequent Attorneys General and Secretaries of the Department of Homeland Security have extended TPS for Honduras 13 times in 18-month increments; the most recent

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extension was effective July 6, 2016. This extension cited not only Hurricane Mitch, but also subsequent environmental disasters, including: (1) severe rains, landslides, and flooding, and heavy winds associated with Tropical Storm Hanna toward the end of 2014; (2) a dramatic increase in mosquito-borne diseases in 2014 and 2015; and (3) a prolonged regional drought and coffee rust epidemic (81 FR 30331).

(SBU) The effects of Hurricane Mitch (1998) continue to heavily impact Honduras' social and economic development. When the storm hit the country, an estimated 6,000 people were killed. Hurricane Mitch also displaced 1.1 million people and destroyed up to 70 percent of roads, housing, communication infrastructure, water, and sanitation systems. Although much of the destroyed infrastructure and housing has been rebuilt, Honduras continues to suffer from persisting residual effects from the storm, which have been exacerbated by subsequent natural disasters; according to agricultural assessments, Honduras was the country most affected by extreme weather events between 1996 and 2015, with a total of 61 events during this time period. Since Hurricane Mitch, annual droughts and floods have caused low agricultural production and large-scale deforestation, representing major impediments to the Government of Honduras' ability to fully recover. As a result, while Honduras has continued to attempt recovery from Hurricane Mitch, the substantial disruption of living conditions, attributable to the storm and aggravated by subsequent environmental disasters continues.

(SBU) Honduras also faces extraordinary security challenges that, in combination with economic conditions and the effects of the various environmental disasters, render it temporarily unable to adequately handle the return of its nationals. **For these reasons, we recommend that the Acting Secretary of Homeland Security extend the TPS designation for Honduras on the basis of environmental disaster.**

**A. Armed conflict**

1. **Is the foreign state currently involved in an ongoing, internal, armed conflict?**

(U) No.

- a. **If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?**

(U) N/A.

**B. Environmental Disaster**

1. **Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?**

(U) Yes. Honduras is vulnerable to extreme weather events. In 1998, Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Since Hurricane Mitch, Honduras has continued to experience other natural disasters.

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- a. **If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?**

WHA POSITION

(SBU) No. Honduras has stabilized from previous disruptions. Much of the infrastructure and housing destroyed by Hurricane Mitch has been rebuilt. While Honduras has been experiencing a prolonged drought, the Department assesses that the disruption of living conditions attributable to Hurricane Mitch should no longer be regarded as "substantial." The government has demonstrated its ability to rebuild its infrastructure and housing and provide other basic services to its citizens.

PRM POSITION

(SBU) Yes. The effects of Hurricane Mitch continue to heavily impact Honduras' social and economic development. Although much of the infrastructure and housing destroyed by the storm has been rebuilt, Honduras continues to suffer from persisting residual effects from the storm, which have been exacerbated by subsequent natural disasters. Honduras' agricultural sector has lost nearly one-third of its revenue since Hurricane Mitch, in part due to the 2014 drought as well as declining prices of the country's export crops, especially bananas and coffee. The drought has also slashed bean and maize harvests by up to 90 percent in some areas, triggering higher food prices. In rural areas that are largely dependent on subsistence agriculture, one out of five Hondurans live in extreme poverty (on less than USD \$1.90 per day according to the World Bank). These rural areas, where a disproportionately large number of Hondurans in the United States, including TPS beneficiaries, originate, have been particularly affected by the drought and many families have resorted to reducing their caloric intake. According to a July 2016 UN World Food Programme report, one in four people in Honduras are struggling to feed themselves and remain affected by the ongoing prolonged drought.

2. **Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?**

(SBU) Yes. Honduras continues to suffer from the same serious security and economic challenges that have led many Honduran nationals with TPS to remain in the United States, and have spurred even more Hondurans to migrate to the U.S. since TPS was granted. The Government of Honduras received approximately 22,000 deportees from the United States and more than 45,000 deportees from Mexico in 2016. While the Honduran government's infrastructure for receiving returned migrants has improved over the last three years, it is largely due to investments by the U.S. government. If TPS is not renewed, Honduras will require significant additional resources and coordination to adequately receive the immediate return of an additional 86,163 former TPS beneficiaries and potentially their family members.

(SBU) The immediate return of 86,163 Hondurans who currently hold TPS could overwhelm the government's ability to properly reintegrate them and make it more likely they would attempt to return to the United States illegally. Recognizing most Hondurans who migrate do so for economic reasons, adding tens of thousands of returnees to an economy that is not prepared to integrate them will only exacerbate the principal driver of illegal immigration. This would also

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impose severe burdens on a cooperative but under-resourced Honduran government and would be counterproductive to U.S. interests.

(SBU) If the Government of Honduras were expected to immediately receive and reintegrate 86,163 deportees and potentially their family members, it would likely cause a negative public reaction and strain the bilateral relationship. Many of the deportees would be accompanied by their U.S.-born children, many of whom would be vulnerable to recruitment by gangs. The Honduran government would be forced to dedicate significant resources to receiving its nationals, which would undermine the medium to longer-term U.S. economic, security, and governance goals in Honduras, and would likely lead to an increase in illegal immigration from Honduras to the United States.

**3. Does the foreign state continue to support the TPS designation?**

(SBU) Yes. Honduran President Juan Orlando Hernandez met with Vice President Pence on June 15, 2017, on the margins of the Conference on Prosperity and Security in Central America in Miami and requested an extension of TPS. On July 18, 2017, Honduran Minister of Foreign Affairs Maria Dolores Agüero Lara submitted an official request for extension.

**C. Extraordinary and Temporary Conditions**

1. **Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

2. **Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

**II. Discretionary Factors**

**What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?**

(SBU) Honduras is a consistent partner of the United States. It has shown itself willing to proactively address concerns related to illegal immigration by investing time, money, and political capital in trying to keep its citizens in Honduras. It is also a receptive partner for the U.S. government and other governments in the region seeking to deport Honduran nationals. Honduran authorities have also extradited numerous fugitives, including Honduran nationals to the United States since 2014, including a number of major drug traffickers.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government is providing approximately \$2 billion in FY 2015 to FY 2017 assistance to secure our borders, protect U.S. citizens, and increase opportunities for U.S. and other businesses. U.S. engagement and

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programs aim to dismantle transnational criminal organizations, combat drug trafficking, halt illegal immigration, and promote sustainable economic growth by addressing the underlying causes of insecurity, impunity, and lack of economic opportunity. These efforts, combined with Honduras' own efforts under the Alliance for Prosperity, protect U.S. national security and create conditions to incentivize Honduran citizens to remain and prosper in their home country.

(SBU) Despite recent improvements in Honduras' security situation, insecurity and widespread unemployment and low wages continue to be among the main factors cited by returned migrants for their decision to migrate to the United States.

(SBU) In rural areas that are largely dependent on subsistence agriculture, one out of five Hondurans continues to live in extreme poverty (on less than USD \$1.90 per day according to the World Bank). These rural areas, where a disproportionately large number of Hondurans in the United States, including TPS beneficiaries, originate, have been particularly affected by the drought, which has been persisting since 2014, and many families have resorted to reducing their caloric intake. According to a July 2016 United Nations World Food Programme report, one in four people in Honduras are struggling to feed themselves.

(SBU) Although Honduras was able to reduce its national homicide rate from 86 per 100,000 in 2011 to 58 per 100,000 in 2016, it continues to have one of the highest murder rates in the world for a country not at war. This was not always the case, and continues to represent extraordinary circumstances created by a combination of gang activity, drug trafficking, and poor economic conditions. To the extent efforts the government and the international community are helping to bring down this rate, it is a temporary condition that can change with continued implementation of improved security and economic policies.

(SBU) Impunity for all categories of crime, including serious offenses like murder and kidnapping, is high. Yet the current administration, with U.S. assistance, has taken steps to address these problems. Honduras has been a collaborative extradition partner, leading many Honduran criminals to self-surrender in lieu of probable arrest and extradition. Nearly 30 such indicted criminals now face justice in the United States for corruption, drug trafficking, and money laundering. The Honduran government is implementing a roadmap to overhaul the Honduran National Police, which has included replacing its troubled former investigative division with a new, better trained and equipped force that is currently up and running. It is also working to hire 15,000 new officers by 2022, roughly 3,200 per year above attrition, almost doubling the size of the force.

(SBU) Permitting Hondurans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 18 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

### III. Recommendation

#### WHA POSITION

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**(SBU) Since the grounds for Honduras' January 5, 1999 designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for Honduras, that the Acting Secretary designate an effective date to provide TPS benefits for 36 months beyond the end of the current designation to allow for an orderly transition. Providing the Honduran government more time to improve security and economic conditions and repatriation systems would increase the likelihood Hondurans would return voluntarily and reduce the likelihood deported migrants would seek to return to the United States illegally. It would also allow the U.S. government the time to mitigate any possible negative foreign policy impacts stemming from the decision to ensure sustained effective bilateral cooperation on a wide range of issues, such as combatting transnational criminal organizations and addressing the underlying causes of illegal immigration. Moreover, since 1999, Honduran nationals have had TPS, and during that time, many started families, opened businesses, and bought houses and properties. A delayed effective date would provide them and their family members with time to organize their departure from the United States.**

**(SBU) In addition, the Department recommends that the public announcement of a new effective date be delayed until November 27 so as not to interfere in the domestic politics of Honduras' November 26 presidential election. In order to meet a statutory requirement, the Department of State recommends communication of a DHS decision to the head of government only on November 3.**

**PRM POSITION**

**(SBU) The conditions in Honduras originally leading to the TPS designation based on environmental disaster continue to be felt in all aspects of daily life. In addition, these conditions, in combination with the security and economic challenges in the country, continue to render it temporarily unable to adequately handle the return of its nationals. Precipitously terminating TPS for Honduras and forcing the country to address the return of an influx of nationals that it is unable to handle would risk overwhelming Honduras' system for reintegrating returned migrants and could hamper the government's ability to effectively cooperate with the United States on a wide range of issues. Based on these factors, we recommend an 18-month extension of TPS by DHS on the basis of environmental disaster.**

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*State Department Cable- Haiti: Temporary Protected Status  
Recommendation*

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(U//SBU) Haiti: Temporary Protected Status Recommendation

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SECURITY WASHINGTON DC

(U//SBU) E.O. 13526: N/A

SUBJECT: Haiti: Temporary Protected Status Recommendation

The U.S. Mission to Haiti submits the following recommendation for extension of the Temporary Protected Status (TPS) designation for Haiti:

I. Statutory Basis for Designation

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?

A. Armed conflict

1. Is the foreign state currently involved in an ongoing, internal, armed conflict?

(U) No.

a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) N/A

B. Environmental Disaster

1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

(SBU) Yes. Country conditions and GOH capacity have improved sufficiently to absorb the return of a moderate flow of Haitian nationals. However, Haiti continues to be affected by lingering earthquake damage. The earthquake destroyed virtually all government offices and ministries in downtown Port-au-Prince, leaving most in long-term temporary facilities spread throughout the city.

(SBU) In addition, the GOH capacity for migrant reception remains low, and it would be very difficult for the GOH to absorb the 59,000 Haitians currently residing in the United States under TPS over a short amount of time.

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(SBU) Throughout Haiti, country conditions have improved, but remain generally poor. While the institutional capacity of the GOH to respond adequately to the lingering effects of the earthquake remains weak, the U.S. government has worked toward strengthening the Haitian civil service and government service delivery. For example, there have been some improvements in access to primary education, resulting in a noticeable increase in participation rates of school-aged children from 79 to 87.3 percent. However, only 29.5 percent of school-aged children are enrolled, and the quality of education remains a challenge.

(SBU) Gender-based violence in the remaining IDP areas remains a serious concern, and personal security is a serious and pervasive problem. Despite efforts by the Haitian authorities and the international community to address these concerns, lingering effects of infrastructure damage to housing in Haiti as a result of the earthquake remain. Some of those who were displaced have moved back to unsafe homes, begun reconstruction of damaged homes without assistance or guidance, or relocated to informal settlements located in other hazardous areas.

(SBU) With more than 98 percent of Haitians exposed to two or more types of disasters (floods, landslides, droughts, earthquakes and hurricanes), the impact of recurring natural disasters is particularly severe, especially considering the already pre-existing security, socio-economic and environmental vulnerabilities and disparities. With more than a half of its total population living in extreme poverty, Hurricane Matthew demonstrated Haiti's weakened ability to cope, recover and adapt to shocks from natural disasters. Meanwhile, as a result of electoral-related tensions, politically motivated demonstrations and insecurity have affected the humanitarian operating environment. At the same time, the international humanitarian presence has decreased in the field due to downward funding trends.

(SBU) With the withdrawal of the United Nations Stabilization Mission in Haiti (MINUSTAH) military component underway, the Haitian National Police (HNP) will be called upon to shoulder increased responsibility for maintaining order throughout the country. However, the HNP remains highly concentrated in Port-au-Prince and has limited resources, challenging its ability to guarantee security throughout the country. The United States and our international partners continue to work to train and support the development and growth of the HNP, which has been increasingly perceived as professional and capable of providing security. Thanks to this assistance, the HNP almost met its five-year development plan goal of 15,000 officers on the force, allowing it to assume a greater responsibility for security ahead of MINUSTAH's closure on October 15, 2017.

(SBU) Haiti has been regularly receiving small groups (about 30 per month) of criminal deportees from the United States. Following the resumption of much larger noncriminal deportations to Haiti in November 2016, the GOH has also received over 4,500 noncriminal deportees. The GOH continues to receive weekly flights of between 50 and 100 noncriminal deportees a level which stretches its resources to maintain secure and orderly reception program. It has so far just managed to provide the minimal levels of security and assistance upon each flights arrival.

(SBU) Overall, based on the experience Haiti has had with the weekly flow of noncriminal deportees, it lacks the adequate infrastructure, health, sanitation services, and emergency response capacity necessary to ensure the personal safety of a large number of TPS returnees in tandem with this current flow of noncriminal deportations.

2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?

(SBU) With regard to this specific population, no. Current TPS beneficiaries have been in status in the United States for six or seven years. The population has been stable and successfully settled there. The current practice of returning newly arrived migrants via the resumed noncriminal deportations has

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greatly disincentivized new attempts at illegal migration in the hopes that TPS will be re-designated once more in the past, a significant pull factor. The broader question of whether such continued presence fits overall national immigration policy priorities is beyond posts scope to address.

II. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) As mentioned, following the determination to extend TPS for Haiti for an additional six months, the GOH has appealed for a further extension of TPS for its nationals in the United States, given the immediate and drastic impact a termination could have on the countrys economic well-being and political stability.

III. Recommendation

(SBU) Extending TPS for Haiti is in the U.S. national interest. At this time, the GOH is not capable of facilitating the reabsorption of the 59,000 Haitians currently holding TPS in the United States in a time frame of less than several years. Lingering issues from the 2010 earthquake, additional effects of the cholera epidemic, and the aftermath of Hurricane Matthew exacerbate this concern, and a termination of TPS for Haiti would threaten the countrys ability to make needed progress across numerous sectors. Based on these factors, we recommend that TPS for Haiti be renewed.  
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*State Department Cable- El Salvador: Temporary Protected  
Status Recommendation*

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(U//SBU) EL SALVADOR: TEMPORARY PROTECTED STATUS RECOMMENDATION

Dates:

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Date Received: 07-Jul-2017 16:37:00

FM AMEMBASSY SAN SALVADOR  
TO RUEHC/SECSTATE WASHDC  
INFO RUEILBQ/NCTC WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RUEABND/DRUG ENFORCEMENT ADMIN HQ WASHINGTON DC  
RUEKJCS/SECDEF WASHINGTON DC  
RHMCSUU/JOINT STAFF WASHINGTON DC  
RHMCSUU/HQ EPA WASHINGTON DC  
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RUILAAA/HQ ICE INTEL WASHINGTON DC  
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RUETIAA/DIRNSA FT GEORGE G MEADE MD  
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RUOIAAAA/COMDT COGARD WASHINGTON DC  
RUEPWDC/DA AMHS WASHINGTON DC  
RUEADRO/HQ ICE ERO WASHINGTON DC  
BT

(U//SBU) E.O. 13526: N/A

SUBJECT: EL SALVADOR: TEMPORARY PROTECTED STATUS RECOMMENDATION

The U.S. Mission to El Salvador submits the following recommendation for the extension of the Temporary Protected Status designation.

I. Statutory Basis for Designation

A. Armed conflict: Is the foreign state currently involved in an ongoing, internal, armed conflict? If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) No

B. Environmental Disaster: Has the foreign state in question recently experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?

(U) Yes

(SBU) El Salvador declared a drought emergency in 2016, after multiple years of low rainfall. Agriculture accounts for 10 percent of GDP but 20% of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of

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cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

C. Is the foreign state unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(U) Yes

(SBU) El Salvador continues to suffer from serious security and economic challenges, and could not adequately handle the return of an additional 195,000 TPS beneficiaries and potentially their family members, including a significant number of American citizen children. Homicide rates in 2016 were the highest in the world outside a war zone and growth the lowest in the region, creating a climate of fear and hopelessness that continues to drive migrants north. In 2016, the United States deported 21,000 Salvadorans while Mexico deported 31,000, for a total of 52,000 returned. The Government of El Salvador cannot provide basic services for the deported migrants and the economy cannot create sufficient jobs to employ them. The deportation of the TPS population to El Salvador (population 6.1 million) would result in a concentration of TPS Salvadorans seven times higher than in Haiti, and three-and-a-half-times higher than in Honduras. The return of this population would be counterproductive to U.S. national interests and is likely to accelerate illegal migration.

(SBU) Crime in El Salvador keeps the country at the top of the list of most violent nations outside war zones. The homicide rate in 2016 was 81 per 100,000, compared to 7 per 100,000 in Nicaragua. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61% have no children left in Central America. These deportees would need to compete with locals to find scarce jobs in order to support themselves and their families legally. El Salvador does not have adequate social services to keep these families out of poverty. Older returnees, many of whom did not complete a primary school education, would face particular challenges in finding employment in El Salvador. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their younger family members, into the gangs or other illicit employment.

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D. Has the foreign state officially requested TPS for its nationals in the United States?

(U) Yes. On June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

II. Extraordinary and Temporary Conditions

A. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

(U) Yes

(SBU) El Salvador has experienced the highest homicide rate of any country in the world for the past two years (excluding war zones), at 81 homicides per 100,000 inhabitants in 2016. With significant U.S. assistance, the government is working to reassert control in the highest crime municipalities. However, the government needs more time to implement its anti-gang strategies and reduce homicides to below critical levels.

(SBU) The surge in gang violence in El Salvador, and other gang-related crime, drives internal displacement and remains a major driver of immigration to the United States. The Internal Displacement Monitoring Centre estimates that nearly 220,000 Salvadorans were forced to flee violence in 2016. This puts the country second in terms of the number of new displacements relative to population size, after Syria.

(SBU) Fear of crime also keeps many immigrants from returning to El Salvador, even if they have the economic means to support themselves. Parents in many communities in El Salvador fear that boys may be targeted for gang recruitment and girls may be forced into sexual relations with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs. The Salvadoran teachers union on January 13 reported that 60,000 students (or 5 percent of the student population) did not register for the 2017 school year, most likely due to fear of gang recruitment or that their children could be in danger crossing the boundaries of gang territory. U.S.-born American citizen children of TPS recipients would be particularly vulnerable to security threats, as well as challenges registering for basic services upon their return to El Salvador.

B. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?

(U) No

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(SBU) The U.S. national interest in El Salvador continues to be fighting transnational crime and reducing illegal migration through improving security, promoting prosperity, and strengthening institutions. While those lines of efforts have begun to bear fruit, including in the falling homicide rate, an influx of 195,000 deportees and others could overwhelm our efforts and endanger those objectives. Permitting Salvadorans to remain temporarily in the United States would be in the national interest because it would give the Salvadoran government time to continue implementing security and other policies that could improve conditions on the ground.

(SBU) The Salvadoran government also cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 12.2 metric tons of cocaine more than five times the amount seized the previous year; El Salvador has been particularly active on maritime seizures of illegal narcotics. Much of this effort centers on the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals wanted to the United States has been another example of ongoing cooperation. More recently, the government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the rapid movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The deportation of the TPS population in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

### III. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) The Salvadoran government currently works closely with DHS to facilitate the deportation of Salvadorans to the United States accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has also demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

### IV. Recommendation

(SBU) Extending TPS for El Salvador is in the U.S. national interest. A sudden termination of TPS for El Salvador would undermine additional cooperation to tackle the root causes of illegal migration and overwhelm the country's ability to absorb returnees. The drivers

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of illegal migration remain acute, but there is a path to address them. However, the government of El Salvador needs more time with the assistance of the United States and other international partners to make sustainable gains. Further, a termination of TPS could undermine U.S.-Salvadoran efforts on a range of issues of mutual concern and fighting transnational criminal organizations, such as MS-13. Based on these factors, we recommend that TPS for El Salvador be renewed.

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*State Department Cable- Honduras: Temporary Protected  
Status Recommendation*

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MRN: 17 TEGUCIGALPA 618  
 Date/DTG: Jun 29, 2017  
 From: AMEMBASSY TEGUCIGALPA  
 Action: WASHDC, SECSTATE ROUTINE  
 E.O.: 13526  
 Captions: SENSITIVE  
 Subject: Honduras: Temporary Protected Status Recommendation

The U.S. Mission to Honduras submits the following recommendation for the extension of the Temporary Protected Status designation.

I. Statutory Basis for Designation

A. *Armed conflict: Is the foreign state currently involved in an ongoing, internal, armed conflict? If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?*

(U) No

B. *Environmental disaster: Has the foreign state in question recently experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?*

(U) No

C. *Is the foreign state unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?*

(SBU) Yes

Honduras continues to suffer from the same serious security and economic challenges that have led many recipients of TPS to remain in the United States, and spurred even more to migrate there since TPS was granted. The GOH already receives approximately 40,000 deportees from the U.S. and another 40,000 from Mexico each year. Conditions in Honduras are slowly improving, but by any objective measure the situation remains critical. Given that most Hondurans who migrate do so for economic reasons, adding tens of thousands of deportees to an economy that is not prepared to integrate them will only exacerbate the principal cause of irregular migration. This would impose severe burdens on a cooperative but underresourced GOH and be counterproductive to U.S. interests.

D. *Has the foreign state officially requested TPS for its nationals in the United States?*

(U) On June 15, while attending the Conference on Prosperity and Security in Central America, President Hernandez met with Vice President Pence and requested an extension.

II. Extraordinary and Temporary Conditions

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- A. *Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?*

(U) Yes

Despite recent statistical improvements, Honduras continues to have one of the highest murder rates in the world for a country not at war, currently estimated to be 58 per 100,000 inhabitants. This was not always the case, and continues to represent an extraordinary circumstances created by a combination of gang activity, drug trafficking, and poor economic conditions. To the extent that efforts by the GOH and the international community are helping to bring down this rate, it is a temporary condition that can change with continued implementation of improved security and economic policies. For example, the country is conducting an aggressive purge of its police force to remove corrupt and criminals elements; 20 percent of the police force has already been removed, proof both of the GOH's political will to address serious problems and its current inability to carry out its primary mission -- to enforce the rule of law and protect the lives of its citizens. There is currently only limited government presence in many parts of the country, including in coastal regions where many Hondurans with TPS previously resided and where transnational criminal organizations currently exert disproportionate influence.

- B. *Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?*

(SBU) No

Permitting Hondurans to remain temporarily in the U.S. would be in the U.S. national interest because it would give the GOH the time and space to continue implementing policies and making reforms that offer the real possibility of significantly improving conditions on the ground in Honduras. Improved conditions would give Hondurans at home, especially young people, an incentive to continue to seek their fortunes in their own country, and would make it more likely that Hondurans in the U.S., whether there illegally or under TPS, would return to their homeland voluntarily. Extending TPS would also help preserve the strong bilateral relations that currently exist between the United States and Honduras, making it more likely that the GOH would continue to cooperate with the USG on a wide range of issues. These issues include strictly bilateral ones, such as the extradition of major narcotics traffickers to the United States, as well as international ones, such as the current crisis in Venezuela, on which the GOH has been particularly supportive. As noted in our response to Question I.B.2., the rapid return of many additional Hondurans who currently hold TPS could overwhelm the GOH's ability to properly reintegrate them and make it more likely they would attempt to return to the United States.

### III. Discretionary Factors

*What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?*

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(SBU) Honduras is a solid and consistent partner of the United States. The GOH has shown itself exceptionally willing to proactively address concerns related to irregular migration, investing time, money, and political capital in trying to keep its citizens in Honduras. The GOH regularly runs media campaigns to discourage unauthorized migration, and works to welcome back its citizens with open arms.

IV. Recommendation

(SBU) Precipitously terminating TPS for Hondurans would create significant strains in currently excellent, mutually-beneficial U.S.-Honduras relations. It would risk overwhelming Honduras' system for reintegrating returned migrants and could hamper the GOH's ability to effectively cooperate with the United States on a wide range of issues. Honduras continues to struggle with serious security and economic problems that cannot be solved overnight, but which the GOH has demonstrated the political will to address. Giving the GOH more time and space to improve conditions in Honduras is directly in the U.S. national interest, since it would reduce incentives for unauthorized migration and encourage continued bilateral cooperation on other national security issues, including the fight against transnational criminal organizations. Based on these factors, we recommend that TPS for Hondurans be renewed.

**MINIMIZE CONSIDERED**

Signature:

Fulton